

UNIVERSITY OF EDINBURGH

I would like to express my sincere thanks to all
those persons without whose help this thesis would have
been as difficult as not impossible to complete.

The Role of the Organization of African Unity
in African Conflicts

To Miss Frances G. Duncker of the Faculty of African
Studies for her assistance in finding material.
To my friend, Miss Frances G. Duncker, who helped me
to overcome some of the problems encountered in writing in
a foreign language.
To my mother and father whose support and advice
were indispensable.

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ABSTRACT

The chief purpose of this thesis is to describe, analyse and evaluate the role the Organization of African Unity has played in African conflicts. In order to be able to view the OAU in a broad perspective the first chapter traces the historical background of Pan-Africanism and the inter-African relations between 1957-1963 culminating in the foundation of the OAU. The purpose of the second chapter is to provide an analysis of the structure, functions and objectives of the Organization with regard to its role as an instrument of conflict resolution.

The main focus of the thesis is on three case studies illustrating two types of conflicts with which the OAU was confronted. While chapter III examines two territorial disputes, i.e. the Algerian-Moroccan Territorial Conflict and the Ethiopia-Somalia-Kenya Territorial Dispute, which are examples of conflicts between independent states, chapter IV deals with the Nigerian Civil War as a case study of a crisis stemming from intra-state problems. Taking into account the inherent limitations of comparative analysis, the chapters aim to discuss the performance of the OAU within the context of the specific historical and political character of each dispute.

The closing chapter suggests some general conclusions about the basic reasons for the success or failure of the OAU in achieving the objective of peace-making in Africa. It attempts to provide some insight into certain categories of problems concerning the international African system with the Organization of African Unity as its institutionalized framework.

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PREFACE

This thesis sets out to provide material and points of discussion to the question: Has the pan-African idea developed into an institutionalized system able to cope with challenges to the peace and stability of the African inter-state system arising from inter-African disputes? As the title of the thesis indicates it is not meant to be a comprehensive study of the Organization of African Unity as regards all its various functions. According to the intentions of its founding fathers it was set up to promote inter-African co-operation in many fields, such as the maintenance of peace, and the development of political, economic, cultural and educational co-operation. Like other international organizations the OAU was supposed to attempt to minimize the conflicts and to maximize the co-operation in the international community of its member states. The maintenance of peace and good relations in Africa must be seen as the main prerequisite of progress in all other realms of pan-African co-operation. With the foundation of the OAU the African politicians supplied themselves with an instrument and forum which was supposed to increase their capacities for conflict resolution. The settlement of disputes is a task encountered in pursuit of this goal. It is this aspect of the OAU's assignments on which the thesis focuses.

Limiting the analysis and evaluation of the OAU's work to only one of its preoccupations implies that a comprehensive assessment of the Organization's importance in inter-African relations cannot be provided. This might be regarded as a

shortcoming. On the other hand a study on the OAU's role in inter-African conflicts seems justified not only on the grounds of allowing for a more detailed analysis of the problems involved but also because inter-African disputes have dominated the Organization's activities from the very beginning of its existence. It is conceivable that this picture will change as the pan-African Organization enters the second decade of its history. The anti-colonial struggle for the liberation of those African territories still under white domination might acquire a greater prominence. However, as long as old and new conflicts threaten to erupt, conflict resolution will remain the first and foremost preoccupation for the African leaders and their Organization.

In writing the thesis, two main sets of problems came to the foreground, hampering a conclusive assessment of the OAU's role in each of the three conflicts dealt with. The first obstacle was of a more practical nature. The study is entirely composed on the basis of the material available in Edinburgh. This meant a lack of documentary sources. OAU documents are not currently made available anywhere except at the OAU's Headquarters in Addis Ababa. As far as I could find out even there the availability of documents is restricted. Thus it is a regrettable shortcoming that the particularly relevant verbatim records of the meetings of the OAU organs could not be used. I had to rely entirely on the case studies and works of scholars who have concerned themselves with various aspects of inter-African problems and conflicts. They had to a lesser or greater extent access to some unpublished documentary material as well as to

documents released to the public by the OAU. It is obvious that the almost complete dependence on the works of scholars in the absence of first-hand documentary evidence makes it difficult to falsify contentions asserted in the literature. By the same token the scarcity of available empirical material and documents was especially impeding in those cases where the facts and findings of scholars were conflicting.

The second set of difficulties was caused by inherent analytical problems. One concerns the limitations of comparative analysis. Is it legitimate and appropriate to base an assessment of the OAU's role as a 'peace-maker' in inter-African conflicts on a few case studies? The case studies included in this thesis will show that they can help elucidate certain categories of problems with which the OAU as an institution is confronted in the realm of disputes between its members and within a member state. The other difficulty stems from the enormous amount of historical, political and other data with relevance to any conflict and any mediation attempt. The process of selecting the kind of background material which has to be given to explain all the different aspects of a conflict remains a somewhat arbitrary decision. However, it was always aimed at dealing with the internal and external facts and connotations of each crisis in a way which reveals the specifically African problems involved as well as those which are the results of the international political system at large.

The first chapter describes the historical and ideological background for the foundation of the OAU. In

its first part it gives a brief account of the phenomenon of Pan-Africanism, which became the main idea influencing African inter-state relations. Since the foundation of the OAU was the outcome of developments in the international African system even more than an institutionalization of the pan-African idea the second part of the first chapter provides a summary of inter-African relations between 1957-1963.

Chapter II analyses the institutions of the Organization of African Unity. The emphasis is focused on those aspects of its Charter and organizational framework which show the character of the OAU with regard to its role in inter-African conflicts.

Chapters III and IV are concerned with three case studies which reveal the problems encountered by the OAU in this role. The two conflicts examined in chapter III, i.e. the Algerian-Moroccan Territorial Conflict and the Ethiopia-Somalia-Kenya Territorial Dispute, are examples of crises between independent African states over territorial claims. These conflicts confronted the OAU with its first major tasks as a peace-maker in the African continent. Both disputes have their own distinctive histories as far as the background and the role of the OAU is concerned. However, they can be regarded as prototypes of conflicts which emerge whenever an OAU member state challenges some of the principles codified in the OAU Charter upon which the African international system is based. To be more concrete, the OAU had to concern itself with two cases in which countries departed from the majority view prevailing in Africa, in that

they did not accept the colonial legacy in its territorial consequences and thus threatened the territorial status quo of their neighbours.

In this respect the Nigerian civil war dealt with in chapter IV confronted Africa with a similar problem: Biafra's secession was a contest of the colonial legacy and an attack on the territorial status quo. However, the fact that the conflict stemmed from intra-state problems puts it into a different category of disputes as far as the OAU is concerned. The nature of the conflict put one of the basic principles of the OAU Charter, i.e. the non-interference in the domestic affairs of a member state, to a crucial test. Strict adherence to the Charter implied that this was not a crisis in which the OAU should become involved. On the other hand Africa had to face the fact that the conflict quickly outgrew its national boundaries. If the OAU refused to concern itself with the civil war it faced accusations of impotence. The Organization could only fulfil its assignment as a 'peace-maker' able to find 'African solutions' to disputes if it could come to grips with the phenomenon that many conflicts in Africa erupt from within a member country. This implied that it should not limit its activities to disputes arising between independent African states. The Nigerian civil war was a relevant example showing how the OAU tried to sort out its role vis-à-vis "internal" conflicts. For comparative purposes the fourth chapter contains also a brief look at the second Congo crisis.

The final chapter sets out to draw some conclusions

about the failures and successes of the Organization as a "peace-maker" in the two different types of disputes. In addition to this it is also concerned with the question of what the conflicts have revealed about the organizational stability and effectiveness of the Organization of African Unity.

CHAPTER I

PAN-AFRICANISM AND AFRICAN UNITY

As the heading of the chapter indicates we are not concerned with drawing an overall picture of the phenomenon of Pan-Africanism. Neither is a full historic account aimed at.¹ Such an attempt would deviate too much from the purpose of this study as outlined in the introduction.

But as the Organization of African Unity² is often seen as the institutionalisation of the dream of Pan-Africanism or, as Suzanne Bonzon puts it: "L'OUA est la réalisation d'un mythe, le panafricanisme, qui depuis plusieurs décennies, donnait sa vigueur à l'idéologie et orientait la recherche de solidarités nouvelles en Afrique,"³ we will try to give as many facts as seems to be required in order to explain what this "dream" or "mythe" has been all about.

The fact that the OAU in its special organizational form was founded in 1963 is due to political developments in international relations among African states and influences from outside. In this respect only a short span

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1. Since the publication of Imanuel Geiss' book, Panafricanismus, Zur Geschichte der Dekolonisation, Frankfurt, 1968, a detailed analysis would be possible.
 2. From now on referred to as OAU or OUA in French quotations.
 3. Suzanne Bonzon, "L'OUA d'Addis Abéba à Kinshasa", in: Revue Française d'études politiques africaines, No. 22, Oct. 1967, p.20.

of time would have to be considered. But that there was a need for it and the whole rhetoric of Pan-Africanism has a long history. This is why we are impelled to go further back into history in order to understand the emotional drive behind Pan-Africanism. In many respects we face a kind of dichotomy between a cluster of ideas never precisely defined but subsumed under the heading of Pan-Africanism. Many leading Pan-Africanists throughout the "movements" history have tried to give a definition, combining modern Western thoughts with preserving at the same time the African heritage. On the other hand we are faced with a sort of "Realpolitik". This covers the time when the independent African states tried to work for some form of organized co-operation among each other. This dichotomy at the same time provides us with a division-line between the two main parts of this chapter. In its first half we will try to describe Pan-Africanism - "probably one of the most complex phenomena in modern history" - and its rhetoric.⁴ What matters most is how leading African politicians, who influenced inter-African politics between the decisive years of 1957 and 1963 and later, perceived Pan-Africanism and its history. We will also touch the problem of relationship between Pan-Africanism and African nationalism. Can

4. Imanuel Geiss, "Notes on the Development of Pan-Africanism", in: Journal of the Historical Society of Nigeria, Vol.III, no.4, June 1967, p.719.

Pan-Africanism be seen as a form of macro-nationalism as opposed to micro-nationalism geared towards the territorial units inherited by colonialism?⁵ In dealing with this question we are encountering another major problem of definition, mainly the phenomena of "nationhood" and "nationalism".⁶

When I start this chapter with general reflections on the problems of Pan-Africanism, its history and its relationship to nationalism, I do so not because I can offer a solution to the problem of definition which occupied many a scholar's mind who worked on nationalism and Pan-movements in the African and non-African context but simply to pinpoint some of these problems in their complexity. African leaders must have given time and thoughts to them.

In the second part of the chapter we analyse inter-African relations from the time of the independence of Ghana to the Addis Ababa Conference in 1963 with the formation of such groups as the Union Africaine et Malgache (UAM), the Union of African States (UAS), "Casablanca" and "Monrovia" during this period. Zartman calls it the 'proto-balance-of power period', "when alliances and counteralliances were formed and expanded to check one another's growing power.

5. Doudou Thiam, The Foreign Policy of African States, London, 1965, p.10.

6. In seeking an answer to it we limit ourselves to consulting only a few but influential books concerned with this problem.

This alliance race dissolved in the OAU, without by any means ending the...conflicts on which it was based."⁷

This clearly indicates that apart from facts and figures we are confronted with the problem of defining major political variables that affected the emerging patterns of African interstate relations e.g. ideologies and decision-makers in African foreign policy. If this above outlined approach to the problems dealt with in this chapter sounds pretentious the reader has to keep constantly in mind that I do not intend to answer such a difficult question as that concerning the ideological motivations of the African political elites in extenso. The problem is only touched in so far as it reveals something about the difficulties the OAU as a "peace-maker" encounters and in so far as it illuminates the nature and the procedure of the OAU and its organs and thereby helps us with a critical evaluation of the OAU's achievements. What we need to see are the African ideals against which to judge the performance of the OAU.

1) The History of Pan-Africanism

Unfortunately there is no such thing as a conclusive definition of the term "Pan-Africanism".⁸ To cite Langley

7. I. William Zartman, International Relations in the New Africa, Englewood Cliffs, New Jersey, 1966, p.148.

8. If not indicated otherwise, in my description I will follow Geiss' treatment of the phenomenon.

who stresses this point: "It is difficult to define comprehensively for the simple reason that it has assumed different meanings and orientations at various stages in its evolution."⁹ As will be seen below it is interpreted differently today by African leaders. Colin Legum states "Pan-Africanism has come to be used both by its protagonists and its antagonists as if it were a declaration of political principles. It is not."¹⁰ If it were, most of what is contained in the following passages would be superfluous.

In order to systematize our further discussion of Pan-Africanism we can give two basic definitions of it closely linked to certain historical periods. The broader definition would perceive Pan-Africanism as Pan-Negroism i.e. "an intellectual or political movement among Africans or people of African descent which saw Africa, Africans and people of African descent as a unit".¹¹ Comprising cultural and intellectual streams of Afro-Asian solidarity and anti-colonial sentiments it takes up feelings of identity with the anti-colonial struggle of all people under colonial domination. Pan-Africanism is the answer of the black race to the humiliation suffered from the dominating white race. It is a demand for equality and a means to infuse self-esteem into the peoples of Africa and African descent. As the

9. Jabez Ayodele Langley, West African Aspects of the Pan-African Movements: 1900-1945, Thesis, University of Edinburgh, May 1968, p.9.

10. Colin Legum, Pan-Africanism, A Short Political Guide, New York, 1963, p.14.

11. I.Geiss, "Notes on.....", op.cit., p.720.

ideology of African emancipation it is "an essentially modern idea", which came out as a result of the contact of the "Europeanized" Africans and people of African descent with the ideas and philosophies of the modern world and their reaction to it. "It thus mirrors the fluid state of transition from traditional society to a new form of society, the clashing and fusing of modern and traditional elements in African society....."¹² In his fight against theory and practice of racial discrimination Pan-Africanism became the ideology of decolonisation.¹³ The narrower definition of Pan-Africanism describes it as the achievement of some kind of African political unity or a close political co-operation,¹⁴ the quest for continental unity.¹⁵

In the same sense we can talk with Geiss of a wider and a narrower history of Pan-Africanism. The latter starts with the two Pan-African conferences in 1958 in Accra while the former divides into the period of "proto-Pan-Africanism" before 1900 and the period after 1900 when it became a kind of congress movement.¹⁶ The historical

12. I. Geiss, "Notes on.....", op.cit., p.721.

13. I. Geiss, Panafrikanismus, op.cit., p.11.

14. I. Geiss, "Notes on.....", op.cit., p.720.

15. Vincent B. Thompson, Africa and Unity, London, 1969, P.XXI. Strauch sees the development from linguistic-ethnical and religious Pan-movements to continental Pan-movements as "progress geared towards the reality of this modern world." Pan-Africanism is one of the most striking examples. Hans Peter Strauch, Panafrika, Kontinentale Weltmacht im Werden? Zürich, 1967, p.15.

16. see I. Geiss, Panafrikanismus, op.cit., p.13.

conditions for the first appearance of ideas that can be called "proto-pan-African" were characterized by the slave-trade, slavery and racial discrimination in the New World. It is no wonder that the first signs of pan-African ideas developed in the New World i.e. the West Indies and the United States.¹⁷ "The final emergences of Pan-Africanism in America was a by-product of the tension between assimilation and segregation..."¹⁸ The Negroes in the Western Hemisphere detached from their African tribal background regarded as one "inferior race" by their white masters "became so united in experience and so exposed to the impact of new cultures that they began to think of Africa as one idea and one land."¹⁹ They were first to perceive "Africa" as a unity by adopting the white people's view of Africa.²⁰ One of the main ideas incorporated in Pan-Africanism was, as could be seen, already developed before West Africa became involved in the emergence of "proto-Pan-Africanism" as a part of the classic triangle of

17. see George Shepperson, "Notes on Negro American Influences on the Emerge of African Nationalism", in: The Journal of African History, vol.I, No.2, 1960.

18. I. Geiss, "Notes on....", op.cit., p.724. It was only with the 5th Pan-African Congress 1945 in Manchester that the pan-African ideas "ceased to be largely a brainchild of Negro intellectuals and African students in the diaspora" and "was transplanted organisationally to Africa's own soil." Colin Legum, Panafricanism, A Short Political Guide, New York, 1963, p.33.

19. William Edward Burghardt DuBois, The World and Africa, New York, 1965, 2nd ed. see I. Geiss, Panafricanismus op.cit., p.338 index.

20. I. Geiss, Panafricanismus, op.cit., p.28, as he points out, an attitude to be found likewise for Teutons or Slavs who got their names from their respective neighbours, that is Romans and Germans.

pan-African activities.²¹ The ideas which developed throughout the nineteenth century and ended in the stream called Pan-Africanism were the concern of very small minorities.

The nineteenth century saw the emergence of other Pan-movements and in comparison with them "Pan-Africanism is neither an exotic nor an entirely new phenomenon fundamentally different from other Pan-movements."²² It shows the same kind of eclecticism, romanticism, and emotionalism so characteristic of all Pan-movements. Members of people who begin to look at themselves as a unity by race, language or religion compensate for their political impotence by ascribing a spiritual world-role to themselves.²³ This often goes hand in hand with an ambivalence towards a value-system imposed upon them by the dominating "alien" group.²⁴

It is more than understandable that, given the starting point of Pan-Africanism namely slavery and white racialism, it developed as an emotional protest-movement. Its self-educated or church-educated protagonists in the 19th century devoted much of their energy refuting the European race theories, which denied dignity and the possibility of a just development to the black people. They tried to invest a

21. Participation of the French-speaking Negro-world can only be detected after 1919 and Africans from other European colonies only took part in pan-African activities in a rather sporadic form, as Geiss points out on page 17 of his book.

22. J.A. Langley, Thesis, op.cit., p.9.

23. Ibid., p.10.

24. John Erickson, Pan-Slavism, London, 1964. In this work on Pan-Slavism Erickson discloses the same phenomenon.

new pride in the black people in referring to the glory of the Egyptian civilization - an African civilization - as the origin of modern civilization and the naming of outstanding men throughout history and claiming them as Negroes. The early Pan-Africanists share this approach to history with many other exponents of pan-nationalism in the 19th and 20th century. It is "the customary appeal to a glorious past, earnest of a still more glorious future, and warrant for the subversion of present and existing institutions."²⁵ The latter part of this quotation leads on to one of the major shortcomings in the proto-pan-African edifice of ideas. With the exception of Horton all people in the 19th century whose writings influenced the thinking of Pan-Africanists never solved the discrepancy between modernity and the conservation of indigenous culture and institutions. Nkrumah is only one of the most prominent leaders in this line.²⁶

"The educated, westernized African found himself thoroughly suspended between two worlds. Trained to uncritical acceptance of the West, he was rejected as an equal, unable to return to a traditional Africa he no longer respected, he rose to its defence in part through loyalty and in part as an expression of national sentiments learned from the West." ²⁷

"Side by side with the slav's discovery of himself and his potential world-historical role went a certain ambivalence towards Europe and its civilization." p.11.

25. Elie Kedourie, ^(ed) Nationalism in Asia and Africa, London, 1971, p.42. E.W. Blyden is a prominent protagonist of this attitude, "For we believe that as descendents of Ham had a share, as the most prominent actors on the scene, in the founding of cities and in the organization of government, so members of the same family, developed under different circumstances, will have an important part in the closing of the great drama." see E.W. Blyden, The People of Africa, New York, 1871, p.34.

26. See I. Geiss, Panafrikanismus, op.cit., p.329.

The year 1900 is obviously a watershed in the history of Pan-Africanism. The word "pan-African" was put on record for the first time by the Trinidad barrister H. Sylvester Williams.²⁸ What had been so far a movement of ideas and emotions dominated by Negroes in the Western Hemisphere without taking organizational shape developed slowly into a more institutionalised movement with gradually increasing African participation. As will be seen below it was still a very weak movement and very far from becoming the mouth-piece for African emancipation. Various organizational efforts were made, most of them, however, remained embryonic. The unfolding of organizational strength - a history of ups and downs - reached its first climax after 1945 with "the determination of Negro peoples to organize and unite against the oppressors and to make radical Pan-Africanism the ideology of the new liberation movements throughout colonial Africa."²⁹

What follows here is not a detailed account of the activities and importance of the Pan-African meetings held between 1900 and 1945 but only a summary of the general trends which emerged in these years, and the important controversy between two leading Pan-Africanists W.E.B. DuBois

27. Robert W. July, The Origins of Modern African Thought, London, 1968, p.463.

28. C. Legum, op.cit., p.24

29. J.A. Langley, Thesis, op.cit., p.17, Compare with footnote 13.

and M.A. Garvey. The congress-movement of Pan-Africanism began at a time when the pan-African-orientated intellectual vanguard of Afro-Americans saw a solution of their problems not in immigration to Africa. What they tried to promote was an improvement of Africa's social, economic and intellectual status which would eventually affect their own situation in the States.³⁰ As far as the participation was concerned the pan-African Conference in 1900 was pan-Negro but in its resolution it focused on Africa and in addition to it included the whole problem of pan-coloured solidarity. It launched an appeal to the world not to tolerate the exploitation of Africa and to grant "responsible government" as soon as possible to Africa and the West Indies.³¹ After the closure of the conference all efforts to bring about an organization which would co-ordinate the pan-African activities and help organizing other meetings on an intercontinental level were unsuccessful. The efforts failed because the social and political conditions were not yet ripe for long-lasting success. The elites in Africa, America and the West Indies were numerically and economically too weak while the colonial imperialism was still unshaken.³² The history of the following four Pan-African Congresses is the history of a more or less accomplished effort to carry

30. I. Geiss, Panafrikanismus, op.cit., p.136

31. Ibid., p.150.

32. Ibid., p.156

on with the task begun in 1900. The first Pan-African Congress held in Paris in 1919 "adopted a lengthy resolution which nowhere spoke of the African's right to independence."³³ Compared with the declaration of the 1900 pan-African Conference this was a much tamer resolution. But if one sees this resolution in its historical context "outright demands for self-government and independence would have been hopelessly premature".³⁴

The following three Congresses (London and Brussels 1921; London and Lisbon 1923; and New York 1927) brought a continuation of these reformist ideas as far as self-government was concerned. Geiss, in summarizing the results and importance of the pan-African-Congress-Movement up to the 1930s, comes down with a very fierce criticism concerning DuBois' part in this movement and the significance of these Congresses as such. Politically very little did materialize³⁵ and the Congress-movement failed to play a part in the political education of Africans and Pan-Africans. Given the historical circumstances in which these meetings took place, one was not to expect more than to give publicity to the grievances of the black people. There were no tangible results in terms

33. C. Legum, op.cit., p.29.

34. Basil Davidson, Which Way Africa, the Search for a New Society, Harmondsworth, Middlesex, 1967, p.63.

35. It is not without importance that at the Congress in Paris 1919 "some kind of collaboration between English-speaking and French-speaking Africans and Negroes from the Caribbean was brought about." I. Geiss, Notes on... op.cit., p.731.

of conceptualization of the pan-African ideas. The Pan-Congresses were mainly meeting places in order to voice the grievances of the Africans and Afro-Americans. DuBois, although he had a reputation as a leading scholar was not able to formulate a rational concept of Pan-Africanism. Thus he did not become the leading theoretician of the pan-African movement. Also, he was not able to reconcile the values of traditional Africa with the demands of a modern world. He as a person, was the epitome of Pan-Africanism, unable to reconcile the two main components which are strong currents in the realm of pan-African ideas: those who wanted a consequent modernization of the African society and those who romanticized the traditional Africa.³⁶ It is, however, due to DuBois that the idea of Pan-Africanism survived and took some shape. DuBois' Congress-movement therefore served as a starting-point for a new beginning after the Second World War.

Geiss, based on his research, comes to a slightly more critical assessment of the "Father of Pan-Africanism"³⁷ than one encounters among other authors. He gives more credit to Garvey who, parallel to DuBois and his Congress-movement, became the other leading figure of Pan-Africanism in the 1920's. Garvey's "contribution to the development of Pan-Africanism ought to be taken seriously now, for he inspired not only the masses of Afro-Americans, but also some of the new African intellectuals, and his influence even spread to the masses in Africa, who DuBois could never

36. I. Geiss, Panafricanismus, op.cit., p.202.

37. see George Padmore, Pan-Africanism or Communism?, London, 1956, p.89.

have hoped to reach."³⁸ Padmore classifies Garvey as "the greatest black prophet and visionary since Negro emancipation".³⁹ But following DuBois he gives a rather critical account of his activities and deplores his shortcomings in statesmanship.

It was Garvey's basic idea to inspire separate development for the Afro-Americans appealing to their racial pride. Rather than integrating them into the white society he urged them to create "a Black State in the new world and associate it with an independent Africa".⁴⁰ If he had imperial ideas of founding a black Empire in Africa and if he answered white racialism with his own slightly exaggerated black racialism, he was in line with the thinking of his days. Although it is difficult to trace a concrete program as far as his "Back-to-Africa" plans were concerned, it seems clear that he was realistic enough to understand that bringing the Afro-Americans to Africa was not feasible, at least not in the foreseeable future. In the meantime his aim was to inculcate into the Negroes of the Western Hemisphere the idea of self-sufficiency by establishing their own capitalistic system independent from that of the white capitalists.⁴¹ His emphasis lay on establishing a kind of national basis for the Afro-Americans

38. I. Geiss, "Notes on....", op.cit., p.734.

39. G. Padmore, op.cit., p.87.

40. J. Woronoff, Organizing African Unity, Metuchen, N.J., 1970, p.13.

41. V.B. Thompson, op.cit., p.42.

by helping to free Africa.⁴² He realized that the liberation of Africa might require the use of violence, something DuBois did not dream of.⁴³ Beyond all that, Garvey's idea was to unite all Africans the world over and to weld the whole of Africa into a united nation. "Almost at the same time that he was planning a Negro State in America, Garvey began his grand design of a "universal confraternity" spreading from the Americas to Africa, and even further..... wherever Negroes lived." ⁴⁴ Altogether Garvey's ideas carried with them enough appeal to the masses and part of the elites in the colonies to make the colonial powers take measures to hinder the propagation of Garveyism in their colonial territories and thereby helping to incite the indigenous people.⁴⁵

When Garveyism collapsed in the mid-1920's and the Congress-movement came to a halt in 1927, the vacuum in pan-African development was filled by efforts to bring pan-African ideas and Communism closer together. In this period another prominent figure of Pan-Africanism came to the forefront, George Padmore. He set himself the task to form Pan-Africanism into an ideology for Africa well demarcated from other ideologies.

The question was, as Woronoff has put it: "Why not

42. I. Geiss, Panafrikanismus, op.cit., p.217.

43. V.B. Thompson, op.cit., p.45.

44. J. Woronoff, op.cit., p.15.

45. V.B. Thompson, op.cit., p.45.

work with the one international movement that proclaimed colonialism its enemy and swore to overthrow it?"⁴⁶

A number of Pan-Africanists were attracted by Marxism and furthermore thought that they could work hand in hand with the Communists to destroy the capitalist-colonialist forces. The Soviet Union had wooed the colonized peoples as allies. But when in the 1930's the Soviet Union sought alliances with the Western powers in an "anti-fascist" front, she sacrificed her alliance with the nationalists in the "Third World".⁴⁷ Realising that they were used for the ends of Soviet foreign policy people like Padmore and others who were prominent in the Comintern showed their disillusionment with organized international Communism and left the party. Rejecting organized international Communism was not tantamount to a rejection of Marxist theory. It continued to attract many Pan-Africanists. They "began to see colonial and racial oppression as based on economic considerations. They did not take up the ideology for its own sake but for another end..."⁴⁸ The Communist interlude in the activities of Padmore and Kenyatta to name only the most well-known leaders had some relevance for the development of Pan-Africanism.

46. J. Woronoff, op.cit., p.20.

47. Ibid., p.21.

48. Immanuel Wallerstein, Africa, The Politics of Unity London, 1968, p.9.

Firstly the international Communist movement gave them the opportunity of political training.⁴⁹ Secondly it was the beginning of a trend to look at pan-African ideology as an alternative to Communism represented by white exponents and expression of Western thought. "This was the beginning of a new independence and self-reliance, of 'African' socialism and non-alignment with the East as well as the West."⁵⁰

To end this brief account of the wider history of Pan-Africanism we must turn now to the 5th pan-African Congress convened in Manchester in 1945. Due to Padmore's activities and those of other groups who made London the centre of pan-African endeavours, DuBois' hopes of a revival of his Congress-movement became true.⁵¹ The Manchester Congress is remarkable for a series of reasons which have some impact on the history of Pan-Africanism. It was the first meeting of its kind in which "the lead was finally taken by Africans".⁵² It equally became more "plebeian", more "politicized" because for the first time some African political parties were represented. On the whole it was a move towards a more radical and less middle-class political movement. The resolutions were unequivocally dominated by anti-imperialistic tones. Quoting

49. I. Geiss, Panafricanismus, op.cit., p.264.

50. J. Woronoff, op.cit., p.22.

51. see I. Geiss, Panafricanismus, op.cit., p.265.

52. J. Woronoff, op.cit., p.23.

the "Atlantic Charter" it condemned all forms of colonialism and demanded independence in the near future. "We demand for Black Africa autonomy and independence; so far and no further than it is possible in this 'One World' for groups and peoples to rule themselves subject to inevitable world unity and federation."⁵³ The resolutions had clear socialist undertones. "In pinning their faith to political action as the necessary measure for combating imperialism and accomplishing the social, economic and political emancipation of Africa, the Congress participants forged the instruments for "Positive Action" which were mentioned as strikes and boycotts in order to impress their claims on the colonial powers."⁵⁴ Manchester saw the end of the pan-Negro-Movement which was based on racial solidarity. The end of Pan-Africanism as a pan-Negro-movement was one of the prerequisites for continental Pan-Africanism, which saw its goal as the unity of the African continent as a whole. This would include non-Negro peoples. "In Africa, unlike Europe an equation of colour and continental origins is very vulnerable."⁵⁵ Pan-Africanism had started on its long march back home to Africa. It had become a rhetorical "tool of African nationalist movements fighting colonial rule, thus reaching its stage of 'nationalization'."⁵⁶

53. V.B. Thompson, op.cit., p.59.

54. Ibid., p.59.

55. Ali Mazrui, Towards a Pax Africana, London, 1966, pp.117-118.

56. Immanuel Wallerstein, "Larger Units: Pan-Africanism and Regional Federations", in: Peter J.M. McEwan and Robert B. Sutcliffe, The Study of Africa, London, 1967 p.218.

After the 5th Congress "the pan-African movement seemed to peter out in a series of national movements" only to be revived after the independence of Ghana.⁵⁷ After its revival it became more and more a movement based on "a doctrine of continental exclusiveness implicit in the very composition of the OAU" leaving behind its intercontinental origins.⁵⁸ Pursuing the ideas of Pan-Africanism from then on meant working for the political goal of African unity. The years between 1945 and 1957 may be called a "lull" period as far as the organizational aspect of Pan-Africanism is concerned. But insofar as the Pan-Africanists regarded the liquidation of colonialism as a prerequisite of African unity, the struggle within the territorial units in colonial Africa for self-determination and independence bore direct relevance for the pan-African goals. The growth of the movement after 1957 is a direct outcome of the activities in the preceding years.⁵⁹ After 1957 Pan-Africanism almost had to start from scratch as far as the organizational side was concerned. The OAU had to cover new territory in respect of its organizational aspect. The political set-up in Africa changed completely and rapidly with the bulk of former colonies reaching the status of formal independence. Pan-Africanism became the main idea which influenced interstate relations. The African governments faced new

57. I. Geiss, "Notes on...", op.cit., p.739.

58. A. Mazrui, op.cit., p.182.

59. V.B. Thompson, op.cit., p.64.

organizational problems which were completely different from those the "old" Pan-Africanists were confronted with between 1900 and 1945. This to me is the reason why it seems more important to give a picture of the edifice of pan-African ideas throughout its history than merely of its organizational set-up. After 1957 Pan-Africanism became transformed into a new movement, the movement toward African unity.

2) Pan-Africanism and African Nationalism

Before analysing the Pan-African ideas as expressed by leading African politicians, we must touch on the problem of relationship between Pan-Africanism and African nationalism. Dealing with the historical background of Pan-Africanism we have not mentioned the somewhat simultaneous development of African nationalism. The following part of this chapter will not contain a historical account of African nationalism before and after the Second World War,⁶⁰ but rather a more general look at the two abovementioned phenomena. It will be helpful to compare the relationship between Pan-Africanism and African nationalism in the light of the findings of scholars who have concerned themselves with the question of nationalism and Pan-movements.

60. For detailed background analyses of the earlier period see: J.A.Langley, Thesis, op.cit., and I. Geiss, Panafrikanismus, op.cit., Chapt. 6, p.220.

Previously I pointed out the difficulties one encounters trying to define "Pan-Africanism". When it comes to "nationalism" the problem of definition is repeated. Has "Pan-Africanism" in its wider definition been the prerequisite for "African nationalism"? Is "African nationalism" a previous condition to "Pan-Africanism" in its narrower definition?⁶¹ Are the two phenomena just related to each other as part of one and the same argument? In other words, are they both serving the same political purposes, or do they exclude each other as some authors have argued? To answer such questions can be partly a semantic problem depending on the given definitions of "Pan-Africanism" and "nationalism". But the greater problem is that the answer also depends on the way these terms are used in political life by politicians and intellectuals. It then becomes a question of how ideas are manipulated, shaped and related to one another in practical terms.

"Nationalism is an untidy and unrefined abstraction. All attempts to produce a theory of it will generate abstract models."⁶² There are a number of reasons to explain this contention. The origin of the concept of "nation" and "nationalism" is rooted in European history and experience. Each "nationalism" has to be looked at as an "individual case in its proper perspective and in its conditional nature."⁶³ It is only then that comparative studies become a satisfying undertaking. From such

61. H. Strauch, Panafrika,..., op.cit., p.44.

62. Kenneth R. Minogue, Nationalism, London, 1967, p.145.

63. Hans Kohn, The Idea of Nationalism, New York, 1946, p.120.

comparative analyses two trends are likely to emerge. Firstly, most "nationalisms" share no more than what Kohn and Sokolsky call the "prime ingredient of nationalism" namely "the will to be a nation",⁶⁴ and secondly, there are no fundamental differences between nationalism in the Western and non-Western world.⁶⁵

"Each new nationalism, having received its original impulse from the cultural contact with some older nationalism, looked for its justification and its differentiation to the heritage of its own past and peculiarities...."⁶⁶ This is certainly true with African nationalists who are influenced by and have embraced the ideas of nationalism and "nationhood" as a European concept and who are trying desperately to bring this concept in line with indigenous ideas. President Senghor's ideas might be taken as a good example of a new conceptualization. He calls the Serer country and the Malinké country the Fatherland comprising "a land, blood, a language or at least a dialect, mores, customs, folk-lore, art, in one word a culture rooted in a native soil and expressed by a race." The Nation groups fatherlands in order to transcend them. As can be inferred, the Nation is superior to the Fatherland on the level of humanity and even of efficiency. It

64. Hans Kohn, and Wallace Sokolsky, African Nationalism in the 20th Century, Princeton, 1965, p.9.

65. Hans Kohn, "Nationalism", in: International Encyclopedia of Social Science, Ed. David L. Sills, The Macmillan Company and the Free Press, vol.11, 1968, p.68.

66. H. Kohn, The Idea of Nationalism, op.cit., p.330.

distills the values of the latter, sublimates them by transcending them."⁶⁷ The state "is primarily a means of realising the Nation."⁶⁸ Senghor advocates the idea of a federal state able to integrate a multitude of fatherlands with various populations to be moulded into one Negro African Nation which ultimately blends characteristics of traditional Negro African civilisation with European and French contributions.⁶⁹

We will only get some answers to our questions if we try to talk about the spiritual drive, the rhetoric and the political goals behind "nationalism" and compare it with "Pan-movements". The idea of nationalism in Africa was adopted by elite groups as a result of the encounter with the modern Western idea "that humanity must be organized into a world of nation-states".⁷⁰ In addition to it nationalism became a doctrine of political mobilisation, of "activating and canalizing dormant political energies".⁷¹ African leaders understood "nationalism" as a weapon in their fight to free their countries from colonialism. It was likewise one answer in their search for identity. Here again African elites were closely following their European "nationalistic predecessors" who made "nationalism" a tool in their fight for the right to be free, not only as an individual but as a group. Following the

67. Léopold Sedar Senghor, Nationhood and the African Road to Socialism, *Présence Africaine*, Paris 1962, p.23.

68. Ibid., p.41.

69. see ibid., p.41.

70. E. Kedourie, op.cit., p.29.

71. Ibid., p.70.

European example Africans became convinced "that progress and equality were possible only at the price of "nationhood".⁷² The growth of this conviction has a long history and only came of age after the Second World War. They faced two main tasks, namely to inculcate this notion of "nationhood" into their people and to overcome the discrepancy between existing state-patterns and perceived nationhood.

Much that has been said so far clearly indicates similarities between the idea of nationalism and Pan-Africanism in its wider definition.⁷³ This is even more true when the rhetoric of both "movements" are compared. In the language of "African nationalism" there is the same appeal to a glorious past and a still more glorious future and the urge to change the existing political institutions so familiar a theme in the rhetoric of Pan-Africanism. Both Pan-Africanism and African nationalism "are manifestations of the same general urge toward independence and freedom".⁷⁴ Both have the objective of unification, but with the crucial difference of tackling the problem on different levels.

It is less in the rhetoric and ideological back-

72. B. Davidson, op.cit., p.58.

73. Compare with p.5 of this chapter.

74. David E. Apter, James S. Coleman: "Pan-Africanism or Nationalism in Africa", in: Pan-Africanism Reconsidered, ed. by American Society of African Culture, Los Angeles, 1962, p.81.

ground that one encounters the differences between Pan-Africanism and African Nationalism but rather in their different political goals, namely nation-building and African unity. In their rhetoric most African nationalists were Pan-Africanists at the same time. The slogan "independence and unity" if taken seriously indicates that the national fight will not be finally accomplished until the second goal, i.e. unity, will be achieved.⁷⁵ Most African nationalists have to be Pan-Africanists at the same time because although they feel that national consciousness in the inherited territories can and must be developed for the sake of development and modernization, they are aware that many of the ingredients of nationhood such as language, culture and common history spill over from one territory into the other. This phenomenon results in a call for unity in a greater frame and thus leads to "pan-movements and ideas".⁷⁶

Looking at the relationship between Pan-Africanism and African Nationalism as a relationship between ideas and concepts, the answers to the questions raised at the beginning of this passage seem plausible. The two phenomena are closely related to each other serving ultimately the same purposes, namely the independence and development of Africa and her people. The clashes and

75. J. Wallerstein, "Larger Units....", op.cit., p.219.

76. Rupert Emerson, From Empire to Nation; The Rise of Self-assertion of Asian and African Peoples, Cambridge Mass., 1962, p.100.

obstacles lie in political reality. Once elites have established themselves inside the nation-state and acquired vested interests it is doubtful, to say the least, whether they want to set this at risk for the uncertain future of regional or continental unity, leaving quite apart for the moment the pressures brought to bear on them by powers from outside Africa. It remains to be seen how much this whole framework of ideas, concepts, emotions and historical developments bears its relevance on the thinking and acting of the African political leaders in their attempt to find an embodiment of their "pan-African dreams".

3) Some Concepts of African Unity

Trying to give an overall and distinct picture of the ideas of Pan-Africanism and the political plans to achieve some form of African Unity as expressed by Africa's political leaders is rendered difficult by the fact that we do not encounter comprehensive schools of thought. In our case it will suffice to give a brief account of the ideas put forward by some of the most prominent African politicians in the years before the OAU. It will always remain a controversial point in dealing with problems of international relations how far political ideology and rhetoric explain political actions. It is the problem of the relationship "between the actual practice of politics and the language which its practitioners use to describe it."⁷⁷ It is very difficult to assess the role

77. Christopher Clapham, "The Context of African Political Thought", in: Journal of Modern African Studies, vol.8, no. 1, 1970, p.1.

of ideas or ideology in bringing about the integration of states. An assessment of this kind becomes all the more problematic the shorter the historical process we are dealing with. To put it in concrete terms we ask whether the pan-African ideas and beliefs expressed by African politicians are "superfluous rhetoric or an integral part of the action".⁷⁸ As Nye sees it, it is the problem of blending ideals and interests. "Rarely does one find a case in international politics where clear and weighty interest has been sacrificed for an ideal. But in cases where the scales of interest are more nearly balanced, ideas play a subtle part that renders inadequate interpretations of motive that are based solely on interest."⁷⁹

Whatever the different interests of the African leaders were they all advocated the principle of African unity, although it meant different things to different leaders. It was, however, the how and when which was at stake.⁸⁰ They were aware that their task was not fulfilled with the achievement of independence. They had to continue their struggle in order to lead their countries on to the path of development and progress. They demanded a place in world politics proportionate to the importance of Africa in the world. The leaders felt that

78. Joseph S. Nye, Pan-Africanism and East African Integration, London and Nairobi, 1966, p.4.

79. Ibid., p.5.

80. J. Gus Liebenow, "Which Road to Pan-African Unity? The Sanniquellie Conference, 1959", in: Gwendolen M. Carter (ed.), Politics in Africa, 7 Cases, New York-Chicago, Burlington, 1966, p.5.

to bring about continental unity could become Africa's major contribution "to the sum total of human achievement"; something that no other continent had so far managed to do.⁸¹ And furthermore there was some sort of agreement that the continent might never be able to liberate itself completely from colonialism without achieving unity and thereby strength. However, if there is basic consensus that to work for unity on the continent is one of the major tasks in African foreign relations, there is on the other hand disagreement among the leaders concerning the ways and means to reach this target. We can distinguish two camps. Oddly enough we face a situation in which the desire for unity was one of the causes for principal division between African states.⁸²

In the literature concerned with Pan-Africanism and African Unity most authors classify the African leaders as "radicals" and "moderates" on the ground of their pan-African ideas⁸³ or as "federalists" and "functionalists".⁸⁴ In the ensuing paragraphs we will give in very condensed form a description of the political concepts of African unity of some of the major exponents of these groups. It is by no means an exhaustive philosophy of these leaders that we are getting. None of the leaders (with probably the exception of Nkrumah) has ever expressed a conclusive

81. A. Mazrui, op.cit., pp.87-88.

82. Erasmus H. Kloran Jr., "African Unification Movements", in: International Organization, vol. XVI, no. 2, Spring 1962, p.387.

83. see for ex. I. Wallerstein, Africa, The Politics of Unity, op.cit., p.21.

84. J.S. Nye, op.cit., p.14.

philosophy of their pan-African ideas. V.B. Thompson rightly points out that "the views which these leaders hold and use as their guiding light in promoting Pan-Africanism....are also used in the building of their individual states."⁸⁵ The selection of the leaders one can deal with is limited by the fact that "many leaders have never written anything nor articulated any consistent ideas."⁸⁶ This certainly accounts for the fact that most authors focus their analysis on the same selection of African politicians, which does not leave us a great choice.

It seems appropriate to start the synopsis with Kwame Nkrumah, the most prominent in the group of the "radicals", because he is unanimously given credit for furthering the ideas of Pan-Africanism after 1957 in Africa.⁸⁷ Furthermore the fact that Pan-Africanism after 1957 was identified largely with suprastate political unification was due to Nkrumah's tireless propaganda for his main goal in foreign policy.⁸⁸ He became the ardent advocate for "political unity now", that is to say, before the individual states strengthened their individual identities they should unite to form a "United States of Africa".⁸⁹ He was fully aware that once the leaders in the territorial states had become fond of their roles they were playing on

85. V.B. Thompson, op.cit., p.249.

86. Ibid., p.249.

87. Ronald Segal, African Profiles, Harmondsworth, Middlesex, 1962, p.235, taken as one example.

88. Claude E. Welch, Jr., Dream of Unity: Pan-Africanism and Political Unification in West Africa, Ithaca, New York, 1965, p.14.

89. see W. Scott Thompson, Ghana's Foreign Policy, 1957-66, Princeton, New Jersey, 1969, p.8.

the internal and international political platform they would be reluctant to give up their newly won independence, thus jeopardizing their positions of influence. He was equally opposed to the formation of regional blocs or federations. In his own words "Regional Federations are a form of balkanization on a grand scale,...."⁹⁰ However, he did not emphasize this viewpoint from the beginning of his agitation for African unity. Earlier on under the influence of George Padmore importance was given to regional federations.⁹¹ For Nkrumah the immediate unification was the sine qua non for economic development and the only barrier against neo-colonialism on the continent. The important industrialization of Africa can only come about if the African states plan their development centrally without competing with one another. "Effective economic links, however, are impossible to establish without sound political direction to give them force and purpose. Therefore, we must come to grips first with the major and basic issue of African unity, which alone can clear the way for the united effort in erecting the powerful industrial and economic structure..."⁹² He equally strongly rejected any ideas of "Eurafrica", which in his eyes were only other devices of the neo-colonialistic threat to the African continent.⁹³

A careful review of Nkrumah's ideas of how to achieve African unity and his notion of such a united continent in

90. Kwame Nkrumah, Africa Must Unite, London, 1963, p.215.

91. C.E. Welch, op.cit., p.22.

92. Kwame Nkrumah, op.cit., p.172.

93. Ibid., p.187.

its relationship to the existing territorial units reveals that his thoughts were far from being unequivocal. On one hand he advocated that even in a united Africa the "states would continue to exercise independent authority."⁹⁴

Only a few pages later in the same book he stated that with the existence of a political union of Africa "territorial boundaries which are the relics of colonialism will become obsolete and superfluous."⁹⁵ It was especially this latter attitude which led to suspicion on behalf of other African leaders about Nkrumah's sincerity. They could only see it as an attempt to veil his claim that a re-alignment of the political boundaries was necessary in the name of the principle of self-determination. Referring to this doctrine Nkrumah asserted that because of tribal affiliations Togo and parts of the Ivory Coast should be joined to Ghana.⁹⁶ The problem of boundaries would not become entirely obsolete, even if continental unity could be achieved. The African continent would still have ^{to be} subdivided if only for administrative purposes. Nkrumah's policy of trying to deal not only with his counterparts in other countries but also with the opposition groups aroused the suspicion of the African Heads of State and Government. The question of who in each country should be included in the efforts to achieve African unity was important especially in the first years of endeavours to

94. Ibid., p.218.

95. Ibid., p.221. It should be acknowledged that Nkrumah wrote his book "Africa Must Unite" for the purpose of conciliating the views of the "Casablanca" and "Monrovia" group.

96. Rupert Emerson, "Pan-Africanism", in: International Organization, Vol.XVI, No. 2, 1962, p.278.

reach the goal of continental unity. And last but not least the African leaders accused Nkrumah of being such an ardent propagandist for African unity because of his ambition to become himself the leader of an African union.⁹⁷ Ghana's leadership and Nkrumah's ideas and style were unacceptable to most of his fellow colleagues.

Nkrumah has definitely been the African leader who personified most of the traditions of Pan-Africanism. "He represents a synthesis of the various ideas which operated in the pan-African field during its first phase: Garveyite and DuBoisian conceptions, Marxist Socialist ideas induced by his studies, as well as his association with other Marxists such as the late George Padmore."⁹⁸

The other most eminent advocate of Pan-Africanism in the "radical" group is Sekou Touré. He, like Nkrumah, adheres to the idea that African unity is the only weapon against the danger of neo-colonialism. For Sekou Touré economic and political independence are closely intertwined. Africa can only accomplish the task of integrating her multitude of states into a United States of Africa by freeing herself from all forms of imperialism. She can only find this ultimate freedom if the African himself has "returned to his African culture and moral source to recover his own conscience, reconvert himself and his thoughts and his actions to the values, conditions and

97. Ibid., p.288.

98. V.B. Thompson, op.cit., p.277.

interests of Africans."⁹⁹ In this sense Sekou Touré clearly thinks on the same lines as Nkrumah. With his Ghanaian colleague he equally repudiates ideas of "Eurafrica" and he means a United States of Africa rather than mere co-operation between sovereign states when he talks about African unity.

The great majority of African leaders can be found in the camp of the "moderates". We will pick out a few who in varying degrees are representative in their thinking, namely Senghor, Houphouët-Boigny and Tubman. Léopold S. Senghor summarizes some of his attitudes towards African unity as follows: "African unity is not for tomorrow, not even in the form of a United States of Africa, for which I struggled. Let us speak only of Union, and try to regroup the independent African States on the basis of regional and cultural affinities."¹⁰⁰ In Senghor's mind this is the only realistic assessment of the possibilities for unity; Africa's leaders would deceive themselves if they underestimate the territorial nationalism. On the whole in his writing Senghor is preoccupied with his ideas of "Négritude", in other words he looks for a reassertion of worthwhile African values - blending them with European ideas - in order to achieve Africa's cultural liberation as

99. Ibid., p.270.

100. L.S. Senghor, op.cit., p.10.

a prerequisite for any political liberation.

His approach to unity is a gradual one, as he says himself: "Horizontal inter-African solidarity will gradually be established, by beginning at the beginning with economic and cultural relations, while vertical solidarity between ourselves and our European metropolises will be modified but not dissolved."¹⁰¹ His dream is one of rebuilding the former A.O.F. into a "nation négro-africaine d'expression française."¹⁰² As far as the political side goes Eurafricanism and Pan-Africanism cannot be reconciled. A united Africa has to become politically and economically independent from Europe. But as far as the process of modernization is concerned, Africa cannot escape the influence of Western ideas. In the course of the years when a realization of his dream did seem to be unfeasible, Senghor turned towards co-operation with the moderate states in the Brazzaville and Monrovia-groupings.

Another influential figure in these groupings is Houphouët-Boigny. His political ideas are based on a firm Eurafrican outlook. He believes in a close co-operation with Western Europe and especially France as a precondition of his country's development. He is very little concerned with neo-colonialism and does not talk much about the "African personality", although he does not disregard certain "African modes of thought and conduct."¹⁰³

101. Ibid., p.85.

102. Franz Ansprenger, "Nationsbildung im Schwarzen Afrika französischer Prägung", in: Vierteljahreshefte für Zeitgeschichte, Stuttgart, Heft 2, April 1963, p.185.

103. V.B. Thompson, op.cit., p.263.

He is definitely no advocate of the radical stream of Pan-Africanism; the idea of a United States of Africa is purely Utopian in his view. Although Houphouët has used pan-African language when it seemed to him politically opportune, however, he can hardly be labelled a "Pan-Africanist". His main concern is with co-operation on the regional level for economic reasons for which the Conseil del'Entente seemed to be an appropriate entity. His co-operation with other African countries is clearly directed by the demands of his own country's economic requests. In contrast to the abovementioned leaders, he does not adhere to ideas of "Socialism". He was one of the chief promoters of the "moderate" groups, considering and openly admitting that the development of the sovereign nation-state has priority over African unification.

When it comes to Tubman's pan-African ideas there is a great affinity with Houphouët-Boigny's concepts. He is opposed to political unification saying "We must have unity in such a way that each nation retains its sovereignty."¹⁰⁴ He would only go as far as talking about regional economic and cultural co-operation as a prerequisite to political unity at the continental level.¹⁰⁵ Taking into consideration the different cultural and social background, the different economic and political systems and the different political allegiances of the independent African countries leads him to the conclusion that only a functional approach to African unity is realistic. "....We advocate that type of African unity, and West African unity and solidarity in

104. Quoted in R. Segal, op.cit., p.260.

105. J.G. Liebenow, op.cit., p.1.

particular which is based upon treaties and conventions of friendship,.....on the basis of mutual respect and equal consideration for all."¹⁰⁶ This is hardly the language of a committed Pan-Africanist. What he does is only to advocate orthodox means of improving the co-operation between neighbour states. In his attempt to achieve African unity he wanted to follow the West European pattern, i.e. political unity once a satisfactory level of supranational co-operation in the functional realm had been reached.¹⁰⁷ In this period from 1958 to the foundation of the OAU, President Tubman with his functional approach to unity was found at the centre of pan-African activities. This prominence was partly owing to the fact that Liberia could claim a considerable amount of prestige being one of the oldest "independent" states and partly because President Tubman was anxious to avoid his country's isolation.

It seems proper to end this exploration of the pan-African ideas of some African leaders with a short analysis of Nyerere's justifications for African unity. The Tanzanian President, "sans doute l'un des hommes politiques africains qui a le plus écrit pour justifier sa politique intérieure et extérieure",¹⁰⁸ does not easily fit into either category, i.e. "moderate" or "radical". On one

106. Ibid., p.10.

107. Ibid., p.12.

108. Frank Moderne, "Le Panafricanisme et la politique extérieure de la Tanzanie", in: Revue française d'Etudes politique africaines, no. 62, February 1971, p.82.

hand he is a zealous advocate of this great Utopian idea, which places him in the neighbourhood of Nkrumah. On the other hand he is too much of a realist to believe that African unity can be achieved overnight.¹⁰⁹

It is well known that Nyerere was prepared to delay Tanganyika's independence in order that all East African territories would gain independence together as a federal unit.¹¹⁰ But, unfortunately, he found little support among African political elites who presumably saw that much of their influence would dwindle in a Federation and therefore wanted to go it alone.¹¹¹ A clear indication of Nyerere's realism in inter-African politics is expressed in a speech in Parliament on June 15, 1962, when he said: "Each area is groping towards unity using the circumstances available to itself, imposed upon it by history and by other reasons, but the object is one. It is unity for the whole continent."¹¹² In order to avoid a wrong picture it has to be pointed out that only a year later he had changed his attitude - the foundation of the OAU demanded a revision - allowing for regional groupings albeit within the framework of the continental organization.¹¹³ He wants Union Government, in so far that unity is necessary to fight both colonialism and neo-colonialism. But he believes that every committed Pan-Africanist faces a dilemma between

109. Marion Mushkat, "Some Characteristics of Colonialism and its Product African Nationalism", in: African Studies Review, Michigan State University, East Lansing, Michigan, vol.XIV, no.2, Sept. 1971., p.236.

110. J.S. Nye, op.cit., p.175.

111. This obviously is only one of the reasons why Nyerere's proposal was not put into reality.

112. Julius K. Nyerere, Freedom and Unity, Oxford University Press, Dar Es Salaam, 1966, p.173.

113. J. Woronoff, op.cit., p.590.

African consciousness and loyalty and the concern for his own nation's freedom and development. "In order to fulfill its responsibilities to the people it has led to freedom, each national government must develop its own economy, its own organizations and institutions, and its own dominant nationalism. This is true however devoted to the cause of African unity the different leaders may be."¹¹⁴ He advocates gradual functional co-operation between the sovereign states because it might lead to political co-operation. On the other hand he can conceive of cases in which political integration in a part of Africa can precede intensive economic co-operation. All these possibilities must be kept in mind.¹¹⁵ Whichever path is taken, African governments must make political decisions about the implementation of African unity, a task made all the more difficult because Africa is not likely to be left to herself but will face constant interference by non-African powers. On the whole Nyerere seems to have the most flexible approach to African unity of all the leaders dealt with in this summary.

I did not provide an analysis of "pan-African" ideas as expressed by African leaders in great depth. Such an undertaking would have required a full picture of the internal systems and problems of each country, a

114. Julius K. Nyerere, Freedom and Socialism, Oxford University Press, Dar Es Salaam, 1968, pp.210/211.

115. Ibid., p.214.

background which necessarily influences attitudes towards African unity of the states' respective leadership. It can be contended that all African leaders pay at least lip service to pan-African ideas in one way or another. They all believe that African unity, if it can be achieved, is a valuable goal. But, when it comes to taking the step from ideas to the implementation of them by means of concrete political decisions the achievements are meagre. When it comes to political unity on the continental level, as will be seen in the summary of inter-African politics from 1957-1963, results are painful to reach. Even if the leaders of African countries could overcome their cleavages caused by different ideas and different national interests, the pressures from outside the continent exert a strong influence on the process of unification. It is not only the different nuances of pan-African ideology which hinder pan-African unity, but the whole problem must be seen also in terms of the political interaction amongst poor countries in the throes of nation-building, and in terms of their dependent relationship to the richer nations.¹¹⁶

4) Inter-African Relations 1957-1963

If we have to summarize the results of the ensuing paragraphs dealing with inter-African relations 1957-1963, we may well contend that the perception of "strength in unity"

¹¹⁶. see Robin Jenkins, Exploitation, London, 1971, especially chapter 6: "Relations between poor Nations."

shared by all African leaders did not make their negotiations any easier. A long series of meetings was necessary to prepare the ground for a conference "uniting" all African states - that is to say "uniting" them all at one conference table. The political splits still lingered, as the elites in power in the territorial states learned quickly that many a point of friction existed between them impeding the development of co-operation and mutual good relations among their states. The fact "that while the inter-territorial links of colonial times crumble, the practical achievement in the establishment of new links between the independent states - despite much talk - is still meagre"¹¹⁷ indicates an ambiguous story with its ups and downs for that part of the pan-African movement which Saenz calls its "continental phase".¹¹⁸ In this phase, Pan-Africanism is no longer concerned with Pan-Negroism but with promoting African unity in the realm of the African continent.

The fragile and recently established boundaries and nation-states appeared much more durable than anticipated. Scholars like Arnold Rivkin, however, suggested that Africa's inherited colonial boundaries would become "one of the richest sources of actual and potential controversy and conflict."¹¹⁹ Once territorial independence was achieved, the newly independent states cast their main

117. Arthur Hazlewood (ed.), African Integration and Disintegration, Case Studies in Economic and Political Union, London, New York, Toronto, 1967, p.3.

118. Paul Saenz, "The Organization of African Unity in the Subordinate African Regional System", in: African Studies Review, vol. 13, no. 2, September 1970, p.206.

119. Arnold Rivkin, The African Presence in World Affairs, New York, 1963, pp.10-11.

interest upon nation-building and tackling their most urgent social and economic problems in the framework of their states. The leaders were, nevertheless, keen on enhancing their countries' prestige by successes in the field of foreign policy. They welcomed their newly acquired place in the world of nation-states as a means of proceeding with their own foreign policy. Nkrumah greeted this opportunity of foreign-policy-making "which from the first was defined as a dynamic process concerned with broader ends than merely the search for aid."¹²⁰ Released into independence, the leadership of most countries experienced a sensation of isolation and insecurity. Thus apart from the quest for unity, it was this feeling which made them search for allies. The creation of alliances was a way of trying to increase the national power of the new states.¹²¹ Many of the leaders - at least the more "radical" ones - thus hoped to make Africa less dependent on the two great power blocs by strengthening diplomatic, political, economic and cultural ties within the continent and furthermore by attaining co-ordination among the African states' policy in international organizations.¹²²

In the context of this study, I cannot enter really deeply into the discussion of the problems of foreign-policy-making of countries which are economically dependent on the

120. W. Scott Thompson, Ghana's Foreign Policy, 1957-1966 op.cit., p.28.

121. I.W. Zartman, International Relations in the New Africa, op.cit., 1966, p.17.

122. Marion Mushkat, "Problems of Political and Organizational Unity in Africa," in: African Studies Review, Vol.13, No.2, Sept. 1970, p.271.

capitalist world and left with little autonomy. Catherine Hoskyns gives a brief summary of the most striking facts impeding or at least rendering political unity on the continental level extremely difficult. "But against this (i.e. the factors in favour of unity) one must set the instability of the new states - most of them were still dealing with serious internal problems; the tendency for national politics to be built round "heroes" jealously guarding their own power, and most important of all, their almost total economic dependence on the outside world, a fact which severely limited both their freedom of action and their economic usefulness to one another."¹²³

What can be stated is that analyses of the earlier years of foreign relations among African states have been, on the whole, too "euphoric" about the possibilities of these countries. Although these studies did not generally overlook the fact of the interdependence of economic, social and political development¹²⁴ they failed to treat the international relations as a reflection of the countries' internal situation and colonial legacy. On the other hand, case studies dealing with various countries have revealed how little room constitutional independence, if not followed by economic independence, leaves for

123. C. Hoskyns, "Pan-Africanism and Integration", in: A. Hazlewood, African Integration and Disintegration, op.cit., p.359.

124. I.W. Zartman, International Relations in the New Africa, op.cit., p.X.

independent foreign policy-making. The margin is very small with "very little basic difference between so-called 'moderate' and 'radical' strategies".¹²⁵ The essence of this, as of many other intrinsic African problems, lies in the persistence of the colonial-inherited framework. African leaders had to come to grips with this situation, analyzing the wide range of obstacles derived from the colonial legacy and then start a struggle in order to escape from the system. This is not to say that the majority of the leaders actually went ahead with such a struggle. They all worked more or less in order to "mask the realities", with "pan-African manoeuvres as one of their devices."¹²⁶

These few statements can only hint at the enormous problems one encounters in any analysis of African foreign policy. Putting things that bluntly obviously fails to make allowance for all the shades of differences that, nevertheless, do exist. How could it be otherwise taking into account that one deals with an increasing number of newly independent states. As long as the interrelation of the problems is constantly recalled we might get away with not giving a comprehensive picture. Such an attempt would involve detailed research work, trying to find the internal and external explanations and ramifications for every decision taken by an African government at a certain time furthering or impeding inter-African relations.¹²⁷

125. I follow Catherine Picciotto's criticism of the Zartman book International Relations in the New Africa and Vernon McKay's book, African Diplomacy, in: Journal of Modern African Studies, vol. 8, no. 1, April 1970, p.153/154.

126. Ibid., p.154.

127. According to Borella: "D'avril 1958 à décembre 1961

This is not feasible for mainly two reasons: Firstly, there is a lack of material and documents necessary for such a detailed analysis. Secondly, it would deviate too far from the main concern of this study.

In the context of this study the following summary of inter-African relations serves the purpose of answering above all three main questions: Firstly, did Pan-Africanism become a real continental movement? In other words, was the gulf between former French and British colonies closed and did the Arabic North of the continent become involved in the struggle for African unity? There is secondly the intriguing question "whether regionalism or ideology is exercising the greater pull in determining the make-up and character of African groupings"¹²⁸ or as Catherine Hoskyns sees the problem: "...is it better in the interest of continental unity, to form 'partial' or 'universal' organizations ; i.e. is it better to form an organization consisting of a nucleus of ideologically

et pour s'en tenir aux rencontres de caractère politique (c'est-à-dire exclusion faite des rencontres à objet technique) plus de 80 rencontres bi- ou multilatérales et conférences inter-étatique ont eu lieu entre chefs d'Etats, de government ou leurs représentants de l'Afrique indépendante." Francois Borella, "Les Regroupements d'Etats dans l'Afrique Indépendante", in: *Annuaire Francais de Droit International*, vol. VII, 1961, p.788 index. If we add that "entre janvier 1962 et mai 1963, le chiffre approximatif est de 70 rencontres", a comprehensive analysis of African policy in the years under consideration would become a mammoth undertaking. See Boutros-Ghali, *L'Organisation de l'Unité Africaine*, Paris, 1969, p.II, index.

128. E. Kloman, *op.cit.*, p.389.

similar states (likely to reach agreement and act) while hoping that other states will be attracted and join, or is it better to form from the beginning an organization which includes all shades of opinion, even though the compromises this involves may jeopardize effective action?"¹²⁹

Asking the questions as Kloman and Hoskyns do, leaves us with a lot of sub-questions and inconsistencies. The simple dichotomy of "regionalism" and "ideology" as a means of achieving some form of unity among African states clouds a number of important problems. Advocating the regional approach to African unity, i.e. the idea that geographically adjacent states should form sub-groups regardless of their different internal political systems, could in itself become an ideology. On the other hand, those who suggest that sub-units should be built according to ideological affiliations are confronted with the geopolitical realities. How could countries as far geographically apart as Guinea and Tanzania, for example, link up on the grounds of fairly similar ideologies? It seems inconceivable that they would be able to take any practical steps towards co-operation which would promote their development. At the most they might be able to co-ordinate their policies as far as making joint statements on foreign and international policy issues are concerned. Inter-African policy-making in regards to reaching the goal of African unity in the years between 1957-1963 will give ample evidence of the sort of problems indicated previously.

129. Catherine Hoskyns, "Pan-Africanism and Integration" in: A. Hazlewood, African Integration and Disintegration op.cit., p.360.

And finally there is a third question. How far did the provisions that are later made part of the OAU Charter already appear in resolutions and charters adopted at preceding meetings?

The Conference of Independent African States (CIAS) convened in Accra in April 1958 is not only the first pan-African meeting on African soil but also the starting point for a whole series of conferences taking place in the ensuing years. The presence of English- and French-speaking countries as well as Arabic ones demonstrated that attempts were made to involve countries with different colonial and cultural legacies in the process of promoting some form of continental solidarity and unity.

The Accra Conference which brought together Ethiopia, Ghana, Liberia, Libya, Morocco, the Sudan, Tunisia and the United Arab Republic,¹³⁰ was a step in the right direction. It took place because of the success of the diplomacy of Nkrumah and his advisers. A major task was to overcome Nasser's objection against such a meeting. He pleaded for an All People's Conference. But Nkrumah insisted on a meeting of representatives of internationally recognized states; however, his idea of a summit meeting of the Heads of State did not materialize. Apart from Liberia's President Tubman no other country was represented by its Head of Government.¹³¹ Given Nkrumah's dynamic personality and the fact that he was the host, it was easy for him to dominate this conference.

If we look at the resolutions adopted at the conference-

¹³⁰. Carol A. Johnson, "Political and Regional Groupings in Africa", in: International Organization, vol.16, no.2, 1962, p.426.

¹³¹. H. Strauch, Panafrika, op.cit., p.83/84.

table, they reproduce an atmosphere of harmony which was present at this gathering, "...Great care was taken in drawing up the resolutions to make sure that nothing was included that would make it difficult for present or future members to sign."¹³² To quote some of the key sentences of the Joint Declaration: "We resolve to preserve the unity of purpose and action in international affairs which we have forged among ourselves at this historic conference to safeguard our hard-won independence sovereignty and territorial integrity, and to preserve among ourselves a fundamental unity of outlook on foreign policy so that a distinctive African personality will play its part, in co-operation with other peace-loving nations, to further the cause of peace. ... to recognize the right of the African peoples to independence and self-determination and to take appropriate steps to hasten the realization of this right."¹³³ This was altogether a tame declaration but it at least reflected the agreement among African independent states that some co-ordination of their foreign policy must be achieved in order to take action on the international level in helping the liberation of the continent. Principles written down in the resolutions reappear in one form or another in all the major forthcoming conferences and furthermore became part of the OAU Charter.¹³⁴ This discrepancy between what the

¹³². C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.361.

¹³³. Reprinted in: C. Legum, op.cit., p.139.

¹³⁴. For text of resolutions see ibid., p.140.

African governments pledged themselves to do and the actual achievement of unity was hardly surprising: resolutions cannot implement themselves. Moreover, they are often not intended to be more than window-dressing.

If we turn our attention to the institutional or organizational machinery built up during the conference the result must be qualified as meagre. A CIAS was to be held every second year. In between these meetings contact was to be maintained through the states' permanent representatives at the United Nations. Furthermore, should problems between African states arise, they were to be dealt with at ad hoc meetings of foreign ministers or experts.¹³⁵ Any attempt to assess the first CIAS and its importance for the development of African unity must distinguish - as Woronoff does - between an "overwhelming emotional triumph" and a "limited tangible success". "For, although the feelings and words conveyed ample solidarity and oneness of views, it was impossible to obtain any real commitment from the various states. There was no willingness to sacrifice dearly won sovereignty in the cause of unity nor to create genuine machinery that might disapprove of the policy of a sovereign state or ask it to fulfill pledges made on the altar of unity."¹³⁶

Owing to the mildness of the expressed political

135. C.A. Johnson, op.cit., p.428.

136. J. Woronoff, op.cit., p.85.

137. M. Strach, Parafrisa... op.cit., p.93.

138. Reprinted in G. Legum, op.cit., p.152.

opinions, a split on ideological grounds at this first conference of independent African states was prevented. As long as they stated in very general terms what they intended to achieve, e.g. to promote the independence and self-determination of all African people, they found agreement. However, had they tried to indicate concrete steps towards this goal, the prevailing concordia would not have been sustained.

The second CIAS took place in Addis Ababa in June 1960. The membership of this meeting was enlarged compared with the first conference held two years ago but the result was basically marked by the same difficulties encountered at the first meeting. Taking into consideration that ideological splits had manifested themselves in the previous year, it is all the more surprising that the adopted resolutions were again able to bridge the gap. On the other hand no advancement in the question of organizing African unity was achieved.¹³⁷ Resolution No. 7 "Promotion of African Unity" stated that "the CIAS requests the President of the CIAS to address a communication to the Heads of these states to initiate consultations through diplomatic channels with a view to promoting African Unity."¹³⁸ The extremely delicate wording of the resolution strongly suggests that the conference did not dare to put any pressure upon the Heads of State. "Through the diplomatic channels" indicates that the African politicians in power did not set out on any "revolutionary"

137. H. Strauch, Panafrika, ...op.cit., p.93.

138. Reprinted in C. Legum, op.cit., p.152.

path towards the promotion of unity. They were probably keen to demonstrate their ability as young states to handle their problems in the established way of international policy-making.

The decision on an adequate framework for African unity had to be put off because no compromise between the partisans of the two extremes - federalists and functionalists - could be reached. The whole discussion culminated in an exchange between the Ghanaian representative Ako Adjei and the Nigerian Maitima Sule. Adjei appealed for "the complete political union of African states" while Mr. Sule maintained that "at this moment the idea of forming a Union of African States is premature."¹³⁹ Many of the moderate leaders were opposed to the methods with which the radicals tried to impose their form of union.

Without going into a detailed analysis we can agree with Zartman's assessment that "the Second CIAS had little effect on African relations."¹⁴⁰ Although it helped to co-ordinate Africa's policy in the United Nations, it did not bring about any form of organizational frame for African unity. There was not even any mentioning of a United States of Africa or of a regional federation.¹⁴¹ It suffices in our context to name but a few other attempts of promoting African unity before the end of 1960 when especially on the part of the newly independent former

139. cited in: Keesing's Contemporary Archives, vol.XII, 1959-60, p.17554.

140. I.W. Zartman, International Relations in the new Africa, op.cit., p.27.

141. C. Legum, op.cit., p.42.

French colonies the principle of universality was given up. Instead they aimed at forming organizations consisting of states sharing a certain level of common objectives and common attitudes.¹⁴²

The First All African Peoples Conference (AAPC) held in Accra in December 1958 with the participation of 200 representatives of 50 African political parties, trade unions, student movements, and other organizations¹⁴³ was following the tradition of Nasser's Afro-Asian People's Solidarity Conference. The composition of participants suggests "that the grass-roots leaders, previously on the outside looking in, were also consulted about questions that affected them as much as the first-string leadership."¹⁴⁴ Radical leaders like Nkrumah who were certainly disappointed by the mildness of the CIAS-Resolutions must have been satisfied by the more outspoken statements which were adopted at this conference. Colonialism and racialism were heavily condemned and tribalism and religious separatism designated as obstacles to the liberation and political development of Africa. The leaders pledged themselves to give more active support to the liberation movements. In the realm of African unity they blamed the artificial boundaries for impeding the realisation of unity on the continent. In its resolution on "Frontiers, Boundaries and Federations" it stated "that the Conference: a) endorses Pan-Africanism

142. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.364.

143. Keessing's Contemporary Archives, Vol.XII, 1959-60, p.16612.

144. J. Woronoff, op.cit., p.85.



and the desire for unity among African peoples;

b) declares that its ultimate objective is the evolution of a Commonwealth of Free African States." It furthermore advocated that the goal of unity could be reached by means of regional federations provided that they "should not be prejudicial to the ultimate objective of a Pan-African Commonwealth by hardening as separate entities."¹⁴⁵

On the organizational side a permanent basis was given to the AAPC by establishing a professionally staffed All African Peoples Organization Secretariat in Accra.¹⁴⁶

(On the organizational side a permanent basis was given to the AAPC by establishing a professionally staffed All African Peoples Organization Secretariat in Accra.¹⁴⁶)

On paper the AAPC seemed to have been much more successful in promoting African unity; after all, it explicitly mentioned the goal of a "Commonwealth of Free African States", a concept never spoken of at the CIAS conferences.¹⁴⁷ But no matter how unanimously the "radical" resolutions were adopted by the conference representatives, they lacked any form of coercion to enforce the implementation of these adopted political guide lines by the independent African states. Ghana and Guinea tried to do so, making themselves suspicious in the eyes of many of the other countries as they took charge of the AAPC organization.¹⁴⁸ The AAPC can be seen as an endeavour "to conduct and determine intra-African relations on the basis of political organization, independent of state

145. Reprinted in C. Legum, op.cit., p.230.

146. A. Johnson, op.cit., p.431.

147. C. Legum, op.cit., p.43.

148. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.363.

action."¹⁴⁹ "Despite its more energetic program, the AAPO was actually less effective than the CIAS."¹⁵⁰

What had emerged in the earlier years after Ghana's independence was a pattern which showed that any progress towards African unity rested primarily with the governments of the independent states. The fact that there was a CIAS on one hand and an AAPC on the other showed that the independent African states wanted to distinguish themselves from nationalist movements in colonial states, even though they sought to help their non-independent brethren. Those movements could not really be considered the political equals of sovereign states.¹⁵¹ They could not enter into binding inter-state agreements with the newly independent countries.

The dominance of the independent states in policy-making was also apparent in the AAPC movement. These conferences were a meeting ground for three basic groups: African nationalists from non-independent countries "whose revolutionary ardor was often tactical and hence temporary", leaders of "revolutionary" independent states "whose militancy was often tempered by the exigencies of diplomacy and the reality of world economic pressures", and radical opposition movements in independent African states. This last group was the most militant at the meetings but at the same time the least powerful. "While this third group

149. I.W. Zartman, International Relations in the New Africa op.cit., p.17: "The fact that government parties were frequently represented did not alter this characteristic, for the AAPO was to have its greatest activity - in the absence of any real effectiveness - among splinter groups opposing colonial or independent African

often dominated the conferences and gave the tone to the resolutions, it was the second group (the governments) that dominated the structure and held the purse strings."¹⁵² Progress on the path towards African unity depended on the readiness of the governments of the independent states to co-operate with one another. African unity was not to be the focal point that would rally revolutionary movements and states, but it was to be an alliance of the independent states.¹⁵³

Two attempts to come to grips with political union in Africa deserve to be listed in this short summary: the Union of African States and the Sanniquellie Declaration. The first was the unsuccessful action to merge into political union the independent states of Ghana, Guinea and Mali, three countries whose political leaders, after all, were "on full agreement" on a number of questions of foreign policy and shared a similar outlook as far as their internal policies were concerned. Even given this considerable "harmony" these leaders faced the dilemma

governments." and see also C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.363: "The situation was not improved by the fact that the French African and Nigerian ruling parties were convinced that facilities established in Accra to assist the liberation movements were also being made available to the opposition parties in their own countries."

150. J. Woronoff, op.cit., p.89.

151. I. Wallerstein, Africa, The Politics of Unity, op.cit., p.27. It is worthwhile reminding ourselves that a major breakthrough to this tendency came as late as the 1972 OAU summit meeting in Rabat. As The Times reported: "On the liberation front a great deal more respect than usual was paid to leaders of liberation movements. They were allowed to help in the drafting of resolutions concerning their countries and even

between commitment to interstate unification and the drive of nationbuilding. "The Pan-African ideology predisposed the leaders to think in terms of suprastate unification, while the exigencies of national unity forced them to pay a great deal of attention to domestic issues."¹⁵⁴

On November 23, 1958, Nkrumah and Sekou Touré announced with vague terms the establishment of a union between their two countries. For Guinea the closer attachment with Ghana was a means to overcome the country's isolation and gain help from Ghana, while Nkrumah sought the opportunity to show his readiness to link his country with others in Africa.¹⁵⁵ The two leaders conceived their "union" as a nucleus of a Union of West Africa. When the contents of the Union's structure was published in May 1959, it stated that "each State or Federation which is a member of the Union shall preserve its own individuality and structure."¹⁵⁶ It was not more than an attempt to co-ordinate above all the foreign policy in matters concerning African unification of the member states. Giving up any sovereign rights was out of the question,¹⁵⁷ although the provision was made for gradually surrendering part of the sovereignty if agreed by the member states.

admitted to a closed session of the summit when heads of delegations were allowed to bring only two advisers and hundreds of delegates were excluded." The Times, 17 June 1972, p.5.

152. I. Wallerstein, Africa, The Politics of Unity, op.cit., p.52.

153. Ibid., p.42.

154. C.E. Welch, Jr., op.cit., p.293.

155. Ibid., p.299.

156. Reprinted in C. Legum, op.cit., p.160.

157. "Only in the economic field was there any hint of institutional links or eventual supranationality": J. Woronoff, op.cit., p.90.

The reasons why this union was doomed to failure are manifold; in our context it suffices to list but a few. One of the most important factors was that both leaders had different ideas about their countries' role in the union.¹⁵⁸ There was the fact that the two states were geographically non-contiguous. They had a completely different colonial history and legacy, with different languages and different governmental systems. Moreover, their level of development and modernization was uneven.¹⁵⁹ In order to give the Union a greater chance of achieving something, provisions had to be made for greater policy co-ordination. No meetings of Heads of State were foreseen and the states were "represented in one another's capitals by relative nonentities as resident ministers."¹⁶⁰ Under these auspices it was not surprising that nothing was achieved.

In April, 1961, Nkrumah, Sekou Touré and Modibo Keita signed a charter formally establishing a tripartite Union of African States.¹⁶¹ As its supreme executive organ a conference of Heads of State was formed aided by preparatory and economic committees. A permanent secretariat was not established.¹⁶² Again there was no question of abandoning sovereignty which the states had only acquired a few years ago but rather it was an action to promote the basis for a common policy which might, in the future, lead to a closer union. Even if the union of

158. C.E. Welch Jr., op.cit., p.304.

159. I.W. Zartman, International Relations in the New Africa, op.cit., p.23.

160. Ibid., p.127.

161. C.A. Johnson, op.cit., p.443

162. J. Woronoff, op.cit., p.103.

African States caused no changes in the structures of their member states "the results of the Ghana-Guinea-Union and its successors must be sought in its effects on African Unity, not through a simple, but sterile, analysis of institutions."¹⁶³ Viewed under such an aspect, it can be stated that these attempts kept the quest for unity alive. But it made equally clear by its failure to achieve closer union, i.e. to merge the institutional set-up of three sovereign states, that closer inter-African co-operation can only be reached step by step. At the end of a long march there could be some form of institutionalized co-operation whose form is impossible to predict. The "step by step" approach does by no means indicate that there will be a flow of continuous achievements until the peak is reached. Set-backs are bound to occur. "Only the government of Ghana, as a result of the strong beliefs of her President, continued to support the concept of political unification as late as the Addis Ababa Conference",¹⁶⁴ while Guinea's and Mali's policy was much more pragmatic in this respect.

Although the proclamation of the Ghana-Guinea Union was no more than a political gesture, it was enough to worry and alarm adjacent states, namely Liberia, whose President Tubman feared isolation and disliked a set-up of African union in which he had no part in designing.¹⁶⁵

163. C.E. Welch Jr., op.cit., p.326.

164. Ibid., p.327/328.

165. J. Woronoff, op.cit., p.91.

Consequently, he invited his opposite numbers, Nkrumah and Sekou Touré, to meet him in the Liberian village of Sanniquellie in order to discuss views on African unity. Liberia's President was known to have strong reservations about political unification.¹⁶⁶

The three leaders conferred extensively for three days and reached a compromise on 19 July 1959, endorsed in the Sanniquellie Declaration. It contained a pledge to work together to achieve the formation of a "Community of Independent African States".¹⁶⁷ As could not have been expected otherwise, the Declaration is void of any supra-national characteristics as far as the "Community" is concerned. "Each State and Federation, which is a member of the Community shall maintain its own national identity and constitutional structure. The Community is being formed with a view to achieving unity among independent African States. It is not designed to prejudice the present or future international policies, relations and obligations of the States involved."¹⁶⁸ While some statements on political questions not directly related to African unity were reflections of the more militant positions of Nkrumah and Touré, as far as African unity was concerned the Declaration was a clear victory for

166. Claude E. Welch Jr., op.cit., p.305.

167. Carol A. Johnson, op.cit., p.445.

168. Reprinted in C. Legum, op.cit., p.162. Another important point is the pledge to non-interference in the internal affairs of member states.

Tubman's "functionalist" approach to unification.¹⁶⁹ He rejected Nkrumah's speed and manner of approach to African unity.

The ensuing years leading to the foundation of the OAU show the importance of this Declaration, when it was made evident that "the Charter signed at Addis Ababa was essentially a triumph of the functional approach put forward by President Tubman of Liberia."¹⁷⁰ Sanniquellie was in a way the first major sign of defeat for Nkrumah's radical version of African unity. On the other hand it is significant that the Sanniquellie Declaration developed out of disagreement between Pan-Africanists over the best means for achieving unity in Africa.

The years of 1960/61 saw a number of events and developments in Africa which brought to an end a situation in which, despite disagreements on a variety of political questions, the independent African states continued to share a common platform through the CIAS, their representatives at the UN, and through the AAPC. More or less antagonistic groups began to emerge.¹⁷¹ In a sense, Africa resembled the rest of the world. "La société internationale tout entière est victime de ce phénomène. Le régionalisme international, c'est-à-dire

169. J.G. Liebenow, op.cit., p.20.

170. Ibid., p.22.

171. B. Boutros-Ghali calls it "double balkanization", i.e. Africa was not only divided into numerous states but also became chopped up in rival groups. see: B. Boutros-Ghali, L'OUA, op.cit., p.9.

le regroupement d'Etats sur des bases strictement objectives - géographiques - n'a pas résisté aux grands clivages politiques qui traversent les régions naturelles du globe.¹⁷² In any event, among the major occurrences which interrupted the co-operation between Africa's independent states were the sudden independence of thirteen French African territories and the Congo crisis, i.e. the breakdown of the Central Government's authority in this territory.

This survey's limited scope does not allow for a full discussion of these and other relevant phenomena. We are confronted with a kind of chain-reaction leading to the establishment of opposing groups. This development was encouraged by the politics of the former colonial powers, Great Britain and France, both of whom hoped that the formation of blocs of their own choice would enable their continued influence of developments on the continent. Britain, who supported Ghana's efforts of pan-African activities in the 1950's turned her back on Nkrumah and his revolutionary demands and approached Nigeria. This country, with her pro-Western policy a better suited partner, could count on London's assistance for the foundation of the Monrovia-Group.¹⁷³ France tried to prevent the formation of an organization which incorporated the whole continent. When the foundering of the Communauté

172. F. Borella, "Le Régionalisme Africain et l'OUA", in: Annuaire Français de Droit International, vol.IX, 1963, p.838/839.

173. R.J. Guiton, "Afrikas Streben nach Einigkeit 1962/64" p.24, in: Europa-Archiv, Folge 1, 1965.

became evident and bilateral solutions did not seem to be the answer, France looked for institutionalized co-operation with her former colonies by means of associating them with the EEC. This secured her continuous influence in this group of African states.¹⁷⁴

The formation of the Brazzaville group or UAM, which grew out of a meeting held in Abidjan in order to discuss the possibility of mediation on the part of the former French African states in the Algerian conflict, introduced two new elements into African politics: only a restricted number of states were invited and secondly "a deliberate attempt was made to create a bloc of African states."¹⁷⁵ Unity movements now took the "merely diplomatic and tactical form of 'bloc alliances' named after the capitals where they were formed."¹⁷⁶

The UAM was the first group to emerge; it is "une organisation de coopération politique, une union d'Etats."¹⁷⁷ After the breakdown of the federations of French West and French Equatorial Africa and the Communauté a majority of the independent states were seeking a new identity, a structure to bridge the void and find a form of regrouping. Partial regroupings and bilateral relations between the African states or everyone of them and France - and through France with the EEC - seemed unsatisfactory to many of the

174. Ibid., p.25. It would require an elaborate study to prove the French influence and coercion in forming the UAM. But given France's interests such an interference is likely.

175. C. Legum, op.cit., p.50.

176. B. Davidson, op.cit., p.64.

177. Guy Feuer, "Les Conférences Africaines et l'Organisation de la Communauté Africo-Malgache d'expression française"

leaders. "It was necessary both to secure all the advantages of federalism and to obviate its dangers - in other words to neutralize its centralizing and unitarian tendencies, which, even when they do not result in the hegemony of one state over the others, nevertheless, drain each associated state little by little of its internal autonomy."¹⁷⁸

When the twelve former French colonies met in March 1961 in Yaoundé, after two preceding preparatory conferences in Abidjan and Brazzaville, they formed the UAM which took the character of a group whose members were tied together by "ideological sympathies and common objectives rather than regional proximity."¹⁷⁹ The diverse conventions signed rejected all ideas of supranationality and were based on a system of co-operation and harmonisation of policies. It was more than a "simple alliance" but less than a "confédération classique".¹⁸⁰ The main emphasis was laid on institutionalizing economic co-operation and co-ordinating development plans.¹⁸¹ In the field of inter-African relations everything was geared towards reinforcing the status quo which implied the protection of the sovereignty of states. "There was no commitment, even in the distant future, to African unity, and no support for

in: Annuaire Francaise de Droit International, vol. VII, 1961, p.767.

178. Gabriel d'Arboussier, "Developments in French Speaking West Africa", in David P. Currie (ed.), Federalism and the New Nations of Africa, Chicago, 1964, pp.123-124.

179. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.364.

180. G. Feuer, op.cit., p.786.

181. J. Woronoff, op.cit., p.97.

Liberation movements."¹⁸² Nevertheless, the states kept their door open for other countries willing to join by accepting the charter. As far as the setting up of a permanent machinery went, the one political organ was the Conference of Heads of State and Government which was to meet twice a year. Provision was also made for an "administrative" secretary-general.¹⁸³ Both institutions were to reappear in the OAU Charter. The Brazzaville group is the best example that ideological affinity and a common colonial legacy combined with a remaining strong pressure from the former mother country are greater pulls than regionalism. "The personal relations between the African leaders, largely of the same generation, background, and outlook, as well as of similar former links with France (and especially with General de Gaulle personally), were still too important in fact and potential for them not to seek some institutional form for their preservation."¹⁸⁴ Since no other institutional and political alternative to establish a pan-African body had emerged, this seemed to be the most logical consequence. The Brazzaville states had to take advantage of the fact that a level of common objectives and attitudes prevailed amongst its leaders.

182. C. Hoskyns "Pan-Africanism and Integration", op.cit., p.364.

183. C.A. Johnson, op.cit., p.435.

184. J. Woronoff, op.cit., p.96.

The dominant drive behind their policies was not pan-African but the desire to maintain friendly relations with France. Another important reason for their move was their feeling "that unless they joined forces they would be unable to make any impact either in Africa or on the international scene, against the increasing criticism and in some cases actual threats of the other African states."¹⁸⁵ A case in which they felt that the voice of "moderate" Africa should be made known was the Congo crisis and this was one of the major purposes for convening a conference in Brazzaville.

The answer to Brazzaville was Casablanca. Morocco, reacting against the sponsorship given to Mauritania by the Brazzaville group, took the initiative in calling a summit meeting. Again only a limited number of states was invited.¹⁸⁶ Certainly each country was pursuing her own interest by accepting the invitation, but they shared the basic belief that Africa's independence could only be finally achieved and maintained through a successful end to the Algerian war, a defeat of the Congo separatists, and the building of a counterbalancing force against the influence of the Brazzaville group.

Although no full account of the Congo crisis in its internal and international dimension is necessary in this

185. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.364.

186. Ghana, Guinea, Mali, The United Arab Republic, Libya, the host Morocco and the Provisional Government of Algeria took part. (Ceylon sent her ambassador in Cairo). see C.A. Johnson, op.cit., p.437.

study, it is useful to look at it from the point of view of pan-African repercussions. It cannot be denied that the Congo problem was one of the causes which re-inforced the trend towards partial groups dividing the African continent. It revealed and intensified clearly the fissures existing among African states. The first experiment in practical Pan-Africanism which - in Hoskyns' view - the Congo crisis provided for the African states unfortunately only accentuated their divisions.¹⁸⁷ In the earlier months of the crisis it seemed as if Africa could avoid a split on this issue. In the early days of UN intervention there was a "heartening show of African unity at the UN".¹⁸⁸ But after the fissure in the Central Government between Kasavubu and Lumumba had occurred and Dag Hammersköld refused to crush the Katanga secession with the help of the UN force, there was room for disagreement. The Brazzaville states sided more or less openly with Kasavubu, called for mediation and a round-table conference which would bring all the different Congo factions together, and rejected the idea of political intervention by African states in the Congo.¹⁸⁹ In the Casablanca group a pro-Lumumbist attitude prevailed. Nevertheless, although willing to co-ordinate their policies, they took different stands. The most "radical" headed by Guinea wanted to withdraw their contingents from the UN

187. C. Hoskyns, The Congo since Independence, January 1960 to December 1961, London, New York, Toronto, 1965, p.471.

188. West Africa, No.2274, 31 December 1960, p.1470, *vol. 44*

189. "...What is required in the Congo is that no other state intervenes in her domestic affairs through the intermediary of soldiers or diplomats." see C. Legum, op.cit., p.180.

forces in the Congo, a policy which Nkrumah resisted, and he was able to restrain the radicals.¹⁹⁰ On the whole Africa's real influence in the Congo crisis was limited. "The Congo operation was run through the Security Council, where the great powers had a privileged position, and in the field through the Secretariat. Africa was largely on the sidelines."¹⁹¹ Although some of the disagreement in the Congo crisis was polarized along the two blocs of Brazzaville and Casablanca, both groups harboured internal divergences. There were also countries not closely associated with either group. The Congo crisis had made it clear that there was disunity in Africa, but it would be false to assume that this was the only reason for the split.

When we look at the Casablanca group and the different motives of its members in attending the conference, we must have doubts whether there was much cohesive substance to give the group a sustaining strength. The conference suited Nkrumah's desire "to build African unity, outwards this time, from a small nucleus of committed states."¹⁹²

Looking at the suggestions on organizing African unity embodied in an "African Charter of Casablanca" it is obvious, in fact, that the assumptions upon which the structural framework on which the Casablanca group as a cornerstone for African unity was laid did not differ substantially from those of the UAM. "What was different was

190. J. Woronoff, op.cit., p.61.

191. ibid., p.62.

192. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.365.

the use to which Casablanca states put their organization, for while the UAM states were essentially inward-looking and defensive, the Casablanca group was militant and determined to press its point of view in Africa and outside."¹⁹³ The "Charter" enunciated the need for vigilance against neocolonialism, pledged the signers to a policy of non-alignment and urged members to rid Africa of political and economic intervention and pressures. On the organizational side the main body was a permanent African consultative assembly, three permanent functional committees: political (Heads of State), economic (ministers of economic affairs) and cultural (ministers of education) as well as a joint high command were to be established.¹⁹⁴ Nothing in this set-up indicates that it could bring about "unification" as opposed to mere co-ordination of policy. "What stood in the way of eventual joining this grouping by other countries were the principles rather than the loose organizational structure."¹⁹⁵

Casablanca in its turn led to Monrovia. The conference was the largest single gathering of African states with twenty countries being represented.¹⁹⁶ Although the split into rival groups gave evidence of increasing polarization in Africa, the efforts made by leading statesmen on the continent to reunite all African states in one pan-African organization never came to a halt. Monrovia was the attempt to enlarge the "moderate" alliance. "Such states as

193. Ibid., pp.365/366.

194. C.A. Johnson, op.cit., p.438.

195. J. Woronoff, op.cit., p.99.

196. Cameroun, Central Afr.Rep., Chad, Congo(Brazzaville), Dahomey, Ethiopia, Ivory Coast, Liberia, Libya, Malagasy Republic, Maurétania, Niger, Nigeria, Senegal, Sierra Leone, Somalia,

Liberia, Sierra Leone, Togo and Nigeria sought to avoid isolation, but did not feel at home among the radicals of Casablanca or the Gaullist Frenchspeakers of Brazzaville."¹⁹⁷ In the aftermath of Casablanca leaders like Tubman, Senghor, Houphouët-Boigny and Tafawa Balewa prepared for a truly pan-African summit. They were not interested in creating a new group. All states apart from the Congo-Léopoldville and Algeria, the two main subjects of discussion, were invited. One even succeeded in getting S. Touré's and M. Keita's agreement to join the more moderate leaders in sponsoring the meeting.¹⁹⁸ Put under pressure by Nkrumah,¹⁹⁹ his partners, however, withdrew protesting the exclusion of Algeria from the conference table.²⁰⁰ For failure of being an "all African meeting" this conference "went down in the history as one more step towards the schism."²⁰¹

When the abovementioned twenty states assembled in Liberia's capital in May 1961, the conference limited its agenda to basic principles and scheduled a second meeting in Lagos to work out a concrete charter of African unity. The keynote of the speeches was on African unity with four major items under discussion: means of promoting better understanding and co-operation towards achieving African unity, threats to peace and stability on the continent,

Togo, Tunisia and Upper Volta. see: C.A. Johnson, op.cit., p.439.

197. I.W. Zartman, International Relations in the New Africa, op.cit., p.30.

198. J. Woronoff, op.cit., pp.99/100.

199. Nkrumah showed little enthusiasm to attend a meeting which promised not to be inclined to follow his political ideas about African unity. His fears were somehow

establishment of a special machinery for dispute-regulation in Africa, and Africa's possible contributions to world peace.²⁰² The general view expressed in the resolutions was that any form of unity could only come about through a voluntary process. The goal of establishing a community of economic interest and social intercourse indicated a clearly functional approach. Among the principles to govern the relationship between African states were listed 1) absolute equality of states, 2) non-interference in the internal affairs and 3) respect for the sovereignty of each state.²⁰³ As far as the settlement of inter-African conflicts was concerned, the peaceful settlement of disputes should be eased by the creation of a commission to which litigations could be submitted.²⁰⁴ On the burning problems in Africa, Algeria and the Congo, moderate resolutions were passed, calling for Algeria's independence through negotiations and condemning the interference of African states in the Congo.²⁰⁵ On the organizational side no step was taken to institutionalize the potential grouping of Monrovia. The door for the

justified. The conference turned out to be a kind of "anti-Nkrumah" forum rejecting any idea of leadership in Africa by a single state. see: C. Legum, op.cit., p.53.

200. Morocco abstained because of Mauritania's presence. see: I.W. Zartman, International Relations in the New Africa, op.cit., p.31.

201. J. Woronoff, op.cit., p.100.

202. C.A. Johnson, op.cit., p.440.

203. C. Legum, op.cit., p.198.

204. Ibid., p.201.

205. Ibid., p.199.

non-attending states should be left widely open.

Leaving Nkrumah's extremist concept aside, a comparison between the principles of African unity as expressed in Monrovia and those laid down in the "Casablanca Charter" reveals that the gap between the two groups was minimal.²⁰⁶ The fundamental obstacle to the early institutionalization of Pan-Africanism was not so much disagreement on the desirability and nature of African unity as it was the cumulative effect of disputes and disagreements which had little to do with incompatible approaches to African unity. But it is a fallacy to try to separate the two issues, i.e. institutionalization of Pan-Africanism and controversial political attitudes and ideologies concerning the wide range of internal and international policies.

The final step on the road to Addis Ababa was taken in January 1962 when again twenty states met in Lagos. The moderate leaders were in the same position as in Monrovia. Azikiwe told the conference that the Casablanca powers had to give public avowal to the principles governing the relationship of African states as confirmed in Monrovia in order to bridge the ideological gap between the two camps.²⁰⁷ Based on the ideas of non-interference and strict limitations in the field of functional co-operation, a draft charter providing for the following three principal

206. With the exception that the Lagos charter did not make room for supranational organs like the proposed African consultative assembly in the Casablanca Charter.

207. They were the same countries with the exclusion of Libya and Tunisia but with the inclusion of the Congo-Léopoldville and Tanganyika. The Casablanca group abstained again because the Algerian Provisional Government was not invited. see: C.A. Johnson, op.cit., p.442.

organs:

- 1) an assembly of Heads of State and Government,
- 2) a council of ministers and
- 3) a secretariat headed by a Secretary-General with clearly delineated responsibilities²⁰⁸

was presented by Liberia and approved by the conference. However, it was only to be ratified after intensive discussions with the Casablanca powers. It was hoped that all African states would adopt the charter eventually. When this could not be achieved, in December 1962 the Monrovia states met again and adopted the charter for their "Inter-African and Malagasy Organization".

It can be stated that the conference in Addis Ababa leading to the foundation of the OAU was finally made possible in May 1963 for three major reasons:

- 1) there was not much difference between the structure of the three groupings: Casablanca, Brazzaville and Monrovia;
- 2) the primarily political Casablanca group crumbled, when some of the causes which led to its establishment faded away. Casablanca was never more than a timely limited political front and not a real organization. In the long run such countries as Morocco and Libya were not prepared to follow the same political line as Ghana and the United Arab Republic;

208. Ibid., pp.442/443.

3) with Algeria's independence and the end of the first Congo crisis two major reasons for splitting Africa into opponent political camps had disappeared.

When advocates of reconciliation began to rise in both camps and Nkrumah joined their efforts, the summit conference was only a question of time. "After three years of strife, Africa had come back to the starting-point. It had learned a lot in the meantime. And it was willing both to sacrifice - and compromise - for unity."²⁰⁹

The years gone by had given evidence that there is no such thing amongst African states as a "natural harmony of things".²¹⁰ The African politicians did not only need to fight against the odds of a colonial legacy but also against additional barriers which very quickly emerged among the states. Only if they could find a common denominator would they be able to erect some form of institutional framework for their co-operation. They would be undoubtedly spurred into action by pan-African ideas. However, the first part of this chapter gave some indications that Pan-Africanism is not a clearly defined concept interpreted in the same manner by all those who claim to adhere to this tradition but rather a diffuse conglomeration of ideas. To find some form of organizational framework for co-operation is a political task of statesmanship in a search for a common denominator.

The system of international relations in Africa is

209. J. Woronoff, op.cit., p.123.

210. ibid., p.121.

one of mobility. Alliances and counteralliances are of little longevity. A shift in the leadership of one country can trigger off a change in the system of international relations as can changes in the international political climate. There is yet no such thing as a permanent bloc system that splits the African states making political co-operation on a continent-wide basis impossible. I do not want to belittle the difficulties African leaders are facing in their struggle to find some form of co-operation. The following chapters bear evidence of the difficulties, shortcomings and pitfalls involved in the problems of setting up an organization and in tackling the questions of conflict settlements. Although there are some constant quantities like the colonial legacy, the problems of underdevelopment, the low degree of power available to individual states and the interference of non-African forces into the politics of the continent, other factors change. Therefore it is best to base any general assumptions on concrete case studies.

1. Harolds only went an observer and the President's Secretary was refused membership. See H. Harolds, *South Africa, op.cit.*, p.133.

2. H. Harolds, *op.cit.*, p.222.

CHAPTER II

THE ORGANIZATION OF AFRICAN UNITY

When the thirty Heads of State and Government finally met in Addis Ababa¹ everything was overshadowed by the will to overcome the split among the African states. That this was by no means an easy undertaking was revealed during the sittings of the conference where the differences of opinion as to the character of African unity were difficult to smooth over.

I do not propose to give a detailed account of the preceding preparatory conference of the foreign ministers or of the summit meeting in Addis Ababa as such. The main interest in this chapter will be focused on certain aspects of the adopted charter of the OAU, mainly those relevant in our analysis of inter-African conflict solutions in the context of the formulated objectives for the OAU. Other ideas and actions forming part of the Charter and the Organization and its machinery are only touched on as far as they help to explain the importance given to inter-African political co-operation. The OAU provides Africa with an institutional framework and forum for interaction in order to promote co-operation and resolve problems of mutual interest.²

1. Morocco only sent an observer and the Togolese President Grunitzky was refused membership. see H. Strauch, Panafrika, op.cit., p.153.

2. P. Saenz, op.cit., p.222.

The unifying strand running through this chapter is the question: what sort of a "tool" is the OAU as regards her role as a "peace-maker" in inter-African conflicts? The answers to these problems provide us with the second pillar - the first one being the ideas and history of Pan-Africanism and African unity as dealt with in the first chapter - on which to base our final assessment of the OAU's failures and achievements in mediating in inter-African conflicts.

Some other questions that must be asked and answered will be: Does the OAU reaffirm most of the historical goals of Pan-Africanism as still worthy of realization? Many objectives came to the forefront during the historical development of the pan-African movement as has been shown in the first chapter. In Saenz' words they can be summed up as: "1) complete independence for the entire continent, 2) development of a fraternal alliance of Africans based on a loyalty which would transcend all tribal and territorial affiliations, 3) creation of a united Africa based on a federation of sub-regional groups within which there would be a limitation of national sovereignty, and 4) noninvolvement by Africans as partisans in international power politics,"³ - which could mean that the African states try to stay aloof from the Cold War and international antagonistic blocs, trying to follow a policy of non-alignment in international affairs. Other questions are those concerning the relationship between the OAU and the United Nations. Has the OAU taken

3. Ibid., p.206.

up responsibilities that were so far exclusively the prerogative of the world organization? Into the same category belongs the question about the organizational pre-eminence of the OAU vis-à-vis the other all-African organizations. In so far as it will help our understanding of the concepts incorporated in the Charter I will deal with some legal problems. Can the OAU Charter be looked at as a code of pan-African law or just as a document based on the traditional international law? Which are the basic principles of conduct which the African states rely upon in their relationship with one another as specified in the Charter?

1) Prelude to Addis Ababa

The Addis Ababa Conference was an act of foreign policy making. If it were to end with any concrete results, it was necessary for the statesmen who participated to grasp what was possible and not to be carried away by wishful thinking. Keeping this in mind and remembering the preceding abortive attempts to found an all-African organization it is not at all surprising that "the OAU is not the highwater mark of Pan-Africanism, nor is it a culmination of it. The OAU was above all a compromise between warring states (figuratively speaking, of course) with a tinge of Pan-Africanism - a redefinition of a modus vivendi whose interest was best served by the maintenance of the status quo."⁴) The ensuing paragraphs try to

4. Samuel Chime, "The OAU and African Boundaries", in: Carl Gustav Widstrand, (ed.), African Boundary Problems, Uppsala, 1969, p.67.

examine more closely whether this is an appropriate contention.⁵

That divisive factors were submerged to the extent of making an all African meeting possible was due to the tireless efforts of some African leaders - foremost Haile Selassie and Sekou Touré⁶ - using formal and informal diplomatic channels to promote a basis of rapprochement. "Because African high level policy is largely the policy of personalities, the basis of any rapprochement lies in direct talks between Heads of State during their mutual visits."⁷ The fact that relations between individual members of the Monrovia and Casablanca group were much more cordial than in the recent past eased the reconciliation at this particular period. Guinea was on good terms with Nigeria. Senegal no longer quarrelled with Mali as an aftermath of the unsuccessful attempt of the Mali Federation.

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5. Given that there is no consensus amongst students and politicians on the importance of the OAU - although the majority tends to believe it to be relatively unimportant - any such generalizations are difficult to defend. In our case, anyway, we are not concerned with an overall assessment of the OAU's performance in its various fields but only with the aspect of its usefulness as a "peace-maker". This must be kept in mind. see M. Mushkat, "Problems of Political and Organizational Unity in Africa," op.cit., p.265.
 6. Leslie Rubin, "The OAU: Machinery, Problems and Prospects," in: S. Okechukwu Mezu (ed.), The Philosophie of Pan-Africanism, Washington, 1965, p.63 and H. Strauch, Panafrika, op.cit., p.145.
 7. Z. Cervenka, The OAU and its Charter, London, 1969, p.1.

Relations between Ghana and Togo had been improved to such a degree as to be no longer an obstacle to rapprochement.⁸

After lengthy preparations it was agreed that a summit conference should take place in Addis Ababa on May 23, 1963, preceded by a preparatory meeting of the foreign ministers to set up the agenda of the main event.⁹ Ethiopia's capital as a meeting-place was acceptable to both groups. It carried symbolic connotations; Addis Ababa was, after all, the capital of Africa's oldest independent country.

The foreign ministers began their work on May 15, 1963. In order to frame a charter and to draft various resolutions and recommendations to serve as working documents for the forthcoming Heads of State conference, two committees were constituted. One had to deal with drafting a charter and the other one was concerned with general political questions. Although quite a few controversial issues had been put aside¹⁰ the remaining problems nevertheless left room for disagreement. The results of the lengthy debates in the committees were meagre. Tricky questions like the participation of the new government of Togo were left to the Heads of State.

8. West Africa, no.2398, 18 May 1963, vol. XLVII, p.537.

9. Z. Cervenka, op.cit., p.2.

10. Among those issues excluded from discussion were "Israel, the Common Market Association, atomic tests in the Sahara, and the Somali claim". J. Woronoff, op.cit., p.127.

The fact that some ministers came to the conference without mandates from their governments to commit themselves to any text also hampered the adoption of any charter of African Unity.¹¹

The result of the work in the two committees can be summarized as follows: As far as African unity was concerned the outcome of the discussions was very much along the line of previous meetings. The ministers had to content themselves with the recommendation that the Charters of Lagos and Casablanca should be replaced by a charter for an all African organization. The task of doing so was shifted to the Heads of State who should take the submitted Ethiopian draft "as a basis for discussion".¹² This draft "tenait compte des textes antérieurs, notamment des chartes de Casablanca et de Monrovia et de l'existence de situations et de groupements différents dans le continent africain."¹³ The ministers furthermore stated that this document should be "transmitted to all Member Governments to enable them to submit their comments and amendments before the meeting of the Foreign Ministers' Conference, to be held before the end of the year 1963 at Dakar."¹⁴ A provisional Secretariat set up in Addis Ababa

11. Z. Cervenka, op.cit., p.4.

12. J.Woronoff, op.cit., p.128.

13. B. Boutros-Ghali, L'OUA, op.cit., p.13.

14. see Z. Cervenka, op.cit., p.4.

was to see that one would proceed along these lines. Compliance with these recommendations would have meant a delay for the establishment of the OAU. "No matter how well founded the hesitations¹⁵ if the Heads of State did nothing more than confirm the Ministers' decisions and return home the long awaited summit would have been a failure."¹⁶

The somewhat disappointing results of the first committee were, however, made up for by the fact that the resolutions prepared by the second committee were approved. Especially the Draft Resolution on Decolonisation¹⁷ found unanimous approval without any major change.

Despite this euphoric agreement, the bulk of the work still remained to be done when the Heads of State and Government assembled. This was actually a renewal of the CIAS interrupted by the establishing of opponent groups.¹⁸ The work consisted mainly in bringing about an organisational set-up and thereby providing the African states with an institutional framework within which they could settle their political differences and conflicts. In other words in the future inter-African conflicts could be dealt with

15. "Nous ne sommes pas des sorciers, on n'a jamais vu une charte internationale adoptée en une seule conférence," was Doudou Thiam's comment of the results of the foreign ministers' conference. see B. Boutros-Ghali, L'OUA, op.cit., p.19.

16. J. Woronoff, op.cit., p.128.

17. This included a "programme d'action en 15 points qui allait servir de toile de fond à toutes les résolutions adoptées ultérieurement par l'OUA en matière de lutte anticoloniale." B. Boutros-Ghali, L'OUA, op.cit., p.18.

18. Morocco did not take part for the same reason, already mentioned. No agreement was reached on the question of Grunitzky's participation, because of strong opposition from Nigeria and Guinea. See H. Strauch, Panafrika, op.cit., p.153

in an organizational frame "subject to a number of ground rules for keeping intra-African disputes on a manageable level."¹⁹ Whether they would be, is a different matter.

2) The Addis Ababa Conference 1963

The world-wide publicity given to the summit conference in Addis Ababa revealing on the whole pessimistic attitudes in the comments about the expected results of the meeting, made the African leaders feel that they had to crown their efforts with success. They had to find these "ground rules" and prove their words by action in order to show that African politicians are capable of more than just "prevarications and palaver".²⁰ They had to sink their differences. They could not afford to leave Addis Ababa without concrete achievements. It was no use waiting for the day when all differences between African states might have disappeared. The developments in the previous years made it clear that this was not to happen anyway. On the contrary, splits were likely to persist even if the lines of division shifted, no longer following the Monrovia-Casablanca pattern.

The result of the Addis Ababa meeting was a curious mixture of principles and purposes trying to satisfy the expectations of leaders as different as Nkrumah and Houphouët-Boigny. They all wanted to have something to go

19. I.W. Zartman, International Relations, op.cit., p.34.

20. J. Woronoff, op.cit., p.128.

home with, something that coincided with their beliefs and satisfied their ambitions.

Speeches

Although the agenda of the Conference covered a wide field of topics I will concentrate my survey on the two dominating subjects: African Unity and Decolonization of Africa.

In the speeches which were delivered by all the Heads of State, the commitment to African Unity dominated and the spirit of conciliation as well as the "African personality" and Africa's glorious history were invoked.²¹ Yet it became evident that "Pan-Africanism is a rallying cry whose cohesive qualities are more effective on the emotional than on the practical level."²² The actual bargaining for compromise between functionalists and federalists took place behind closed doors. But the clash came to the forefront in a vehement exchange of arguments between Mkrumah on one side who proposed a "Union government" for Africa and Tafawa Balewa who became the spokesman of the great majority of states which rejected any such plans. Nkrumah only found substantive backing from Obote and lukewarm agreement from Algeria, Mali, the UAR and Tanzania.²³ It was Tafawa Balewa who gave expression

21. see excerpts of speeches in B. Boutros-Ghali, L'OUA, op.cit., pp.27-30.

22. Nora McKeon, "The African States and the OAU", in: International Affairs, vol. ~~ML~~ XII, no.3, July 1966, p.390.

23. Z. Cervenka, op.cit., p.10.

to what emerged as the opinion of most of his colleagues in saying:

"Nigeria's stand is that, if we want unity in Africa, we must first agree to certain essential things. The first is that African states must respect one another. There must be acceptance of equality by all the states. No matter whether they are big or small, they are all sovereign and their sovereignty is sovereignty."²⁴

Nigeria's Premier, like most of the leaders, favoured a gradual approach to unity starting with limited forms of co-operation. Nkrumah's plans were not only rejected because of his general view but also because of the vagueness and the fact that these plans would take considerable time to implement. Not all arguments against Nkrumah were, of course, based on rational assessment. There was personal antagonism between him and other leaders who could not help feeling that the idea of a United States of Africa amounted to some sort of 'Ghanaian plot'. The efforts to find a compromise regarding the concept of establishing some form of machinery seemed again made in vain. The old split that had bedevilled African unity arose anew. At this frustrating moment Ben Bella in a rousing speech reminded his colleagues that the main task of the independent African countries is to help their fellow-Africans still under colonial oppression to fight for their freedom.

24. reprinted, ibid., p.10.

"....This Charter will remain a dead letter if we do not give Angola, South Africa and Mozambique the unconditional support which these peoples under colonialist rule have the right to expect from us. ... African Unity depends largely on an efficient solidarity with those who are still fighting for freedom." 25

This urge for action did not fall on deaf ears. Here was an object for which the pan-African organization could serve as a tool. "Such was the impact of Ben Bella's speech ...that the proposed Charter was being interpreted as a common weapon for the liberation of Africa."²⁶ A common denominator was found. It was tempting to externalize the problems and to unite against a common enemy. Nkrumah and his allies were prepared to give in and accept the Ethiopian draft Charter. With only a few amendments, the new Charter of the OAU was in its substance the same as the Lagos Charter.²⁷ The Charter was a victory for the moderate functionalists, the radicals for their part had to be satisfied with strongly-worded resolutions.

Resolutions

It is worthwhile to have a look at the resolutions that were adopted because they reveal something of the spirit in which the OAU Charter was agreed upon.

25. Reprinted in a pamphlet: Algeria at Addis Ababa: speeches delivered by Pres. Ben Bella at Addis Ababa on 24th May, 1963, published by the Ministry of Information, Algiers, 1963.

26. Z. Cervenka, op.cit., p.13.

27. T.O. Elias, "The Charter of the OAU", in: The American Journal of International Law, vol.59, No.2, 1965, p.245.

The wording of the resolutions about Decolonization, Apartheid and Racial Discrimination and Africa, Non-Alignment, and the UN and General Disarmament put them very much in line with the "revolutionary" approach to these problems advocated by the Casablanca states.²⁸ The first resolution on Decolonization with its urge for action followed Ben Bella's appeal in its straightforwardness. The African leaders pledged themselves to make a co-ordinated and intensified effort to help those African people who are fighting to free their countries from the yoke of colonial domination.²⁹ What was amazing was that the declaration did not only contain the principles but also the means to help the struggling people. The Heads of State committed themselves to an active campaign of decolonization which no longer excluded the use of force. In the case of racialist white minority government in Rhodesia they pledged themselves to "lend their effective moral and practical support to any legitimate measures which the African nationalist leaders may devise for the purpose of recovering such power and restoring it to the African majority."³⁰ Concrete steps were demanded to be

28. Z. Cervenka, op.cit., p.15.

29. The resolutions are reprinted in: Africa Report, vol.8, no.6, June 1963, pp.9-11. In this context it is perhaps worthwhile recording that the Emperor pledged his country to help those parts of Africa still under white domination in their fight for freedom. But he vehemently opposed the idea of applying the principle of self-determination in the context of border-disputes with Somalia. see Mushkat, "Problems of..." op.cit., p.237. This is a problem to be looked at in the following chapter.

30. see Africa Report, vol.8, no.6, June 1963, p.9.

taken such as breaking off diplomatic relations with Portugal and South Africa and boycotting the foreign trade of both countries. Furthermore a co-ordinating committee³¹ was formed with headquarters in Dar Es Salaam, responsible for harmonizing the assistance from African states for the freedom fighters and responsible for managing the Special Fund to be set up for this purpose.³² The developments during the ensuing years, however, led to considerable controversies among the members of the OAU about the question of which liberation movements should be recognized and supported.³³

In their resolution on Apartheid the Heads of State expressed their conviction that every effort had to be taken "to put an end to the South African Government's criminal policy of apartheid and wipe out racial discrimination in all its forms." They launched an appeal to all

31. Consisting of Ethiopia, Algeria, Uganda, United Arab Republic, Tanganyika, Congo-Léopoldville, Guinea, Senegal and Nigeria.

32. Africa Report, vol.8, no.6, June 1963, p.9.

33. A new development seems to have been initiated at the 1972 Summit in Rabat. As reported in The Times, "the liberation movements have gained the significant part of their support by direct contact with the donors. They have won military support from Communist backers, and humanitarian support from the West, notably the Scandinavian powers. Only as they prove themselves moving towards victory are the liberation movement leaders taken seriously by the African states. At Rabat for the first time the liberation movements' representatives were allowed to participate in the discussions or admitted to a closed meeting of the heads of state."

see The Times, June 20, 1972, p.15.

governments "to break off relations and to cease any other form of encouragement for the policy of apartheid."³⁴

Apartheid was one of the regular problems on the agenda of the meetings of the OAU's main bodies. But the events over the years revealed that the OAU had no coercive power other than launching appeals. The fact that all African states with the exception of Malawi have broken diplomatic relations and most of them are boycotting South African goods only had very little effect on the Apartheid-regime.³⁵ With the admission to the OAU of Lesotho, Botswana and Swaziland three states were made members which agreed with the basic principles and aims of the OAU but are neither able nor willing to implement resolutions and sanctions against South Africa. They denied that force was a solution to the problems.³⁶ Here again the OAU was not able to maintain a policy of unanimity. Advances by various African leaders for some kind of dialogue with South Africa became more numerous.³⁷

34. Africa Report, vol.8, no.6, June 1963, p.10.

35. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.376.

36. J. Woronoff, op.cit., p.308.

37. Here again we can only hint at the problem. Houphouët-Boigny proposed direct talks with South Africa and "a move by black Africa to begin trying to live with South Africa." See The Guardian, April 29, 1971, p.2. At the Council of Ministers' meeting in June 1971 in Addis Ababa there was a heated debate on the question of a dialogue with South Africa. The 37 ministers present revealed their disarray when five walked out of a debate on an Ivory-Coast resolution advocating dialogue and five favoured some form of talks while the remaining 27 were strongly opposed to any such ideas. see Colin Legum in: The Observer, 20th June 1971, p.4. But none of the more complacent countries are prepared to follow Dr. Banda who paid an official state visit to South Africa. They are only ready for dialogue if the

In a third resolution on Africa's relation with the outside world the leaders expressed their "dedication to the purposes and principles of the United Nations Charter, and (their) acceptance of all obligations contained in the Charter."³⁸ Although the heading of this resolution contained the word "non-alignment", no special reference was made in it concerning this principle. Resolution no. IV was on general disarmament and stated that Africa should remain denuclearized. In it there is an appeal for an end of military bases and nuclear tests on the African continent. The "disentanglement of African countries from military pacts with foreign powers"³⁹ was not only seen as a prerequisite for Africa's independence and unity but it was likewise the only principle embodied in the resolutions which bore direct reference to the principle of non-alignment. Whether or not there was more discussion on the controversial issue of non-alignment policy in the closed sessions is not known.

Although by adopting this resolution all states had paid lip-service to the doctrine, a strict implementation of the principle could not be enforced. Anyway the resolutions did not contain any outright condemnation of those countries with foreign bases on their territory. In any case these states could only act in compliance with

regime in Pretoria is willing to discuss how apartheid can be changed. see The Observer, 22nd August 1971, p.6.

38. Africa Report, vol.8, no.6, June 1963, p.10.

39. Ibid., p.10.

resolution no. IV if they would agree to a complete reversal in the relationship between them and their former colonial powers. Looking at the existing pattern of relations especially between francophone Africa and France shows that this was not done. On the whole any affirmation of a policy of non-alignment has thus remained fairly meaningless.⁴⁰

In a critical assessment of the resolutions one cannot deny that the "radical" leaders scored some success which enabled them to reconcile themselves to the fact that the demand for unity on the continental level found its only manifestation in the name given to the newly established organization. In that sense the resolutions helped to create an atmosphere which led to a willingness for compromise on the organizational question.

It is difficult to say whether the radicals were carried away by a feeling of success after the adoption of the resolution. Such euphoria would be hard to believe. Political leaders are more realistic than to think that the adoption of resolutions could make an organization into an effective political body. In the course of this chapter I will dwell further on the binding force of resolutions in connection with the organs of the OAU.

40. The Legon Observer, vol. **11**, no. 18, 1-14 Sept. 1967, p. 4.

3) The Charter of the Organization of African Unity

The signing ceremony which took place in the small hours of Sunday, May 26, 1963, was a visible symbol that the Heads of State and Government did not follow their foreign ministers' recommendations only to adopt a draft that would be sent back for further discussion to a meeting of the foreign ministers. They signed a binding charter immediately.

When the African leaders faced the problem of putting forward the basic principles to which they would adhere in the context of the OAU, it was not sufficient to pay homage to the old pan-African principles of freedom and independence. They had to take into account the new phenomenon of "l'étatisme".⁴¹ They were not primarily confronted with the legal task of setting up a charter which regulates the intercourse between sovereign states.⁴² But it was a political challenge to find principles which would rule interstate relations and could be agreed upon by all states who form the organization. This was the one side of the coin, the other being the task to set up an organizational framework efficient enough to cope with all the problems for whose settlement the organization was set up in the first place.

A look at the Charter proves that a stronger emphasis has been put on the principles reaffirming the status quo, i.e. the existence of at least legally independent states anxious to safeguard their position than to the Utopian objectives of pan-African unity. "It made it clear that the Pan-African movement would henceforth involve relations

41. S. Bonzon, op.cit., p.22.

42. Bernard V.A. Röling, International Law in an Expanded

between sovereign states."⁴³ There are some adherences to pan-African ideas in the Preamble and the more important article III on principles, but the bulk of principles in this article deals with interstate relationships. The fact that the Preamble took nearly half the time the leaders were to spend drafting the Charter⁴⁴ might be an indication how difficult it must have been to balance the insertion of some pan-African ideas with the purposes for which this inter-state organization was set up. The sentence of the Preamble talking about the "determination to strengthen understanding and co-operation among our states in response to the aspirations of our peoples for brotherhood and solidarity, in a large unity transcending ethnic and national differences"⁴⁵ is the only reference not only in the Preamble but also in the whole Charter to the concept of unity going beyond the co-operation among states.⁴⁶

Principles

Those principles listed in article III which are the basis of inter-state relations and thereby bound to influence the settlement of disputes on the continent talk about 1) the sovereign equality of all member states,

World, Amsterdam, 1960, p.XI, also ibid., p.106.

43. J.S. Nye, op.cit., p.244.

44. T.O. Elias, "The Charter of the OAU," op.cit., p.246.

45. Africa Report, vol. 8, no.6, June 1963, p.11.

46. It seems therefore exaggerated to say: "The primary goal of the Addis Ababa Charter - the unity of the African continent - is evidently clear." Such a contention cannot be based on the text of the Charter. see B. Boutros-Ghali, "The Addis Ababa Charter", in: International Conciliation, no.546, Jan.1964, p.26.

2) non-interference in the internal affairs of states, 3) respect for the sovereignty and territorial integrity of each member state and for its inalienable right to independent existence 4) peaceful settlement of disputes, 5) unreserved condemnation of subversive activities on the part of neighbouring or other states, 6) absolute dedication to the total emancipation of the African territories which are still not independent,⁴⁷ and 7) a policy of non-alignment with regard to all blocs.⁴⁸

The principles indicate clearly the hand-writing of the Monrovia group, but furthermore, as Cervenka argues, the first four principles are not only "recognized principles of present international law but they also reaffirm the corresponding principles embodied in the UN-Charter".⁴⁹ Analysing article III on similar lines Borella talks about a division between judicial and political principles; however, the judicial principles have equally strong political connotations. The political

47. The fulfillment of the pledge given in this principle requires that all possible means including force should be taken by African states against the white rulers. In other words, the rules guiding relations among African states - such as the peaceful settlement of disputes - cannot be equally applied if it comes to dealing with African territories under white domination. See Z. Cervenka, op.cit., p.37.

48. Africa Report, vol.8, no.6, June 1963, p.12. Principle 5) "has been frequently reiterated in international treaties but to the knowledge of the author, never as bluntly as here." B. Boutros-Ghali, "The Addis Ababa Charter", op.cit., p.28.

49. Z. Cervenka, op.cit., p.34, UN-Charter articles 2 (1);

stipulations (5, 6 and 7) to him are "plus spécifiquement africains".⁵⁰ Arguing that the first four principles are generally recognized principles of present international law, however, does not mean that they can just be taken at face value. They leave open the question as to when an issue might move from one of domestic concern to one of pan-African intervention.⁵¹ In this respect they incorporate all the inadequacies of international law.

Those last two stipulations, i.e. 6) and 7), bear the handwriting of the "radical" states. As to the last principle basically all African states, whether or not they had broken completely with their former colonial powers, took it as an expression of their wish "to be the masters of their own destinies".⁵²

According to the interpretation given to this clause in article III in a resolution adopted at a meeting of the Council of Ministers in February 1964, the states were asked to annul any military agreement with non-African countries. This was even regarded as a precondition for joining the OAU.⁵³ It was feared that an alignment with any powerful state would signify the acceptance of a state of inequality and subordination for the African partner in

50. F. Borella, "Le Régionalisme Africain et l'OUA", op.cit., p.853.

51. V.B. Thompson, op.cit., p.186.

52. J. Woronoff, op.cit., p.443.

53. B. Boutros-Ghali, L'OUA, op.cit., p.90.

such an alliance,⁵⁴ and would moreover narrow the possibilities of getting aid from all sides. How the policy of non-alignment could be enforced upon the members was not indicated in the Charter. "Each state was allowed to choose its friends and allies abroad and to look after its own non-alignment. Since the options varied widely the OAU could scarcely lay down a hard and fast line as to what sort of mix was necessary to remain non-aligned and any criticism of a member's policy would only have led to friction."⁵⁵ The Charter did not indicate what a policy of non-alignment meant in practice. In any case as long as there was no direct intervention or threat from outside Africa, the OAU's influence with regard to its members' foreign policy decisions was very limited.

Purposes

The objectives for which the OAU was established as indicated in its Charter (art.II) fall into six broad categories: 1) international affairs, 2) racial-colonial affairs, 3) political affairs (this category includes all inter-African political issues, such as peaceful settlement of conflicts), 4) economic affairs, 5) military defence affairs, and 6) educational, scientific and cultural affairs.⁵⁶

54. see Z. Cervenka, op.cit., p.35.

55. J. Woronoff, op.cit., p.445.

56. P. Saenz, op.cit., pp.208-211.

Although the objectives classified in these categories are all interdependent, I limit my approach to the discussion of the problems involved in the third category, especially to the specific objective of peaceful settlements of disputes. Following Boutros-Ghali's classification based on 164 resolutions adopted by the Council of Ministers of the OAU between August 1963 and February 1968, the majority of resolutions concerned the anti-colonial struggle, followed by resolutions on economic and social co-operation. Financial and administrative problems are listed third with resolutions concerning conflict regulations taking fourth place.⁵⁷

It is, however, difficult to interpret anything from the number of resolutions alone. As Manigat's approach to the problem suggests, not all resolutions are qualitatively equal. In a closer analysis she shows that resolutions on conflict regulations are more important than its fourth place on the scale would indicate. This being the case for a number of reasons. The resolutions in the first categories "ont un caractère de répétition très marquée en raison de l'insistance avec laquelle les membres de l'OUA en soulignent la nécessité" and furthermore the resolutions on inter-African conflicts "reviennent en permanence à l'ordre du jour des réunions."⁵⁸

57. B. Boutros-Ghali, L'OUA, op.cit., p.113.

58. Mirlande Manigat, "L'OUA" in: Revue Française de Science Politique, vol.XXI, No.2, April 1971, p.383.

The numerical pre-eminence of anti-colonial resolutions is easy to explain. On the one hand, the anti-colonial struggle was the common denominator and a great rallying point among African states. On the other hand, the adoption of resolutions helped to camouflage the inactivities of the OAU in this field. The high ranking of resolutions concerning the realm of economic and social co-operation contrasts with the smallness of concrete achievements.⁵⁹ It conveys the feeling that something was done as manifestation of co-operation and co-ordination. That resolutions falling into the category of financial and administrative issues rank prominently is simply due to the fact that in the founding years of the OAU many problems concerning its structure and organizational frame pre-occupied its members. Taking all these factors into account, the questions of inter-African conflict regulations hold a much more prominent place in the OAU affairs than a prima facie analysis would indicate.

An examination of some of the principles which describe the purposes of the OAU reveals that they contain some striking contradictions. They sharply disclose the dilemma in which the African politicians operate. The fact that the African leaders are determined to safeguard and consolidate the territorial integrity of their states suggests that the politicians might not agree with any outcome of conflict resolution detrimental to their countries'

59. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.387.

sovereignty and integrity. This is a sign of the limits in which African peace-makers operate. The same statement is repeated in article II of the Charter summarizing the purposes of the organization: The Organization shall have the purpose of defending the sovereignty, the territorial integrity and independence of the African states.⁶⁰ The practical application of this principle is of direct implication to the problem of African frontiers as will be seen in the third chapter of this thesis. Boutros-Ghali contends that the "modification of boundaries was ruled out though not specifically mentioned in the Charter. There may have been fears that the mention of this principle would not receive unanimous approval, or that it might be said that the Addis Ababa Charter was an explicit ratification of the Treaty of Berlin."⁶¹ All purposes as expressed in this article are very vague and declaratory. There is talk about the task of promoting unity and solidarity and co-operation in all fields. However, nowhere in the Charter is it implied that certain purposes hold a priority over other purposes,⁶² nor is there any reference to political union of any kind.

60. See article II, 1c of the Charter.

61. B. Boutros-Ghali, "The Addis Ababa Charter", op.cit., p.30.

62. Z. Cervenka, op.cit., p.32. Manigat gives some indication of how to come to something like a list of priorities. See footnote 58.

The Charter as far as its principles and purposes are concerned is open to wide interpretation. In this respect the OAU Charter is not different from other international charters, e.g. the UN Charter. Susan Bonzon stresses the inherent shortcomings of any codification of rules guiding international co-operation. The stipulations of the OAU Charter demonstrate its limitations and insufficiencies. This price had to be paid in order to make the text of the Charter acceptable to all states.⁶³

In this connection it is, nevertheless, interesting to point out that the Charter says nothing about whether or not the acts taken by the OAU are legally binding on its member states.⁶⁴ Neither does it indicate what should be done if a member state defies the implementation of policies requested by the resolutions and decisions taken by any organ of the Organization. There is no judicial machinery. "Presumably the obligations of the Member States include their abiding by the resolutions and decisions of the Assembly. However, any express provision to that effect, which would clarify the position of each state vis-à-vis the resolutions and decisions adopted by the supreme organ of the OAU, is missing."⁶⁵ The ensuing years did not see any attempt to remedy this shortcoming. What did happen was that some postulates laid down in the Charter received further

63. S. Bonzon, op.cit., p.25.

64. F. Borella, "Le Régionalisme Africain et l'OUA", op.cit., p.852.

65. Z. Cervenka, op.cit., p.43.

elaboration, e.g. the question of boundaries.

One remark about the membership of the OAU seems relevant. The provision that a member must be an independent sovereign African state⁶⁶ excludes provisional governments of the dependent territories, national liberation movements,⁶⁷ as well as any country whose government is opposed to the rule of "one man one vote".

4) The Organs of the Organization of African Unity

Pointing to a certain gap in the Charter, Borella contends that "les objectifs et les principes de l'organisation sont déterminés avec une assez grande précision,"⁶⁸ les institutions de l'organisation son parfaitement décrites, mais le lien entre les premiers et les secondes n'est pas déterminé."⁶⁹ The structure of the institutions did not slavishly imitate the UN's but reveals a more hierarchical character, the principal organs not being equal in prominence.⁷⁰

The Conference of Heads of State and Government is the supreme organ with the Council of Ministers ranking second, acting as a "cabinet" to the Assembly.⁷¹ The Secretariat in its turn is subordinate to the Council to

66. See Article IV of the Charter.

67. It will be recalled that they were admitted to the conference table in closed session at the 1972 Rabat OAU meeting. See footnote 33 of this chapter.

68. I have my reservations about this part of his contention.

69. F. Borella, "Le Régionalisme Africain et l'OUA", op.cit., p.852.

70. B. Boutros-Ghali, L'OUA, op.cit., p.103.

71. Z. Cervenka, op.cit., p.49.

which it is directly responsible. On the other hand the question of relationship between the Specialized Commissions, assigned for various purposes, with the Commission of Mediation, Conciliation and Arbitration taking a place distinguishable from the other Commissions, was not "satisfactorily clarified".⁷² Some Commissions refused to become subordinate to the Council of Ministers insisting that they are only answerable to the Assembly. The Charter codifies what had become the practice of inter-African policy-co-ordination in the preceding years. The Heads of State had played a primary role in African affairs.⁷³ The Foreign Ministers' task was to prepare the summit meetings and to hold further meetings in the interval between summit conferences.⁷⁴

The Assembly of Heads of State and Government.

The fact that the Assembly of Heads of State and Government, which convenes at least once a year, was given the supremacy as organ indicates that the leaders "intended to govern the Organization as they governed their states."⁷⁵ They are the top decision-makers thus providing the organization with authority. This institutional construction can be explained by a number of factors. The Heads of State have played a primary role in inter-African politics ever since the first CIAS. Throughout these years they had established personal links of friendship and it was only a logical consequence of this development to base the OAU on this ground-work. Due to the weakness of bilateral African diplomacy, the channels of possible decision-making

72. see ibid., p.77 for this problem.

were reduced and left for the highest level of political intercourse which was the summit meeting. This structure with the Heads of State as supreme decision-makers means that it is vital that the highest number of leaders possible attends each summit conference if the OAU wants to act efficiently. This is the first prerequisite and all the others are directly related to it. "Perhaps ultimately most damaging to the OAU, however, has been the absence of heads of state for if the organization has little authority, it is at least generally accepted that some effectiveness and authority does reside in the personal contacts of the leaders at the annual meetings."⁷⁶ However, it is not only a question of numbers. If some of the key-figures remain absent from a meeting which is bound to discuss problems in which they hold important parts and views, then a fruitful discussion is in jeopardy no matter how high the figure of those who attend might be. In other words, although it is perfectly in line with the Charter if the

73. The Preamble opens with "We, the Heads of African and Malagasy States and Governments" rather than "We, the Peoples of the United Nations". See B. Boutros-Ghali, "The Addis Ababa Charter", op.cit., p.25.

74. J. Woronoff, op.cit., p.155.

75. Ibid., p.158.

76. W. Scott Thompson and Richard Bissell, "Legitimacy and Authority in the OAU", in: African Studies Review, Vol. XV, no.1, April 1972, p.37. The Addis Ababa Conference in 1963 was the high water-mark when all states sent their Heads of State or Government with the exception of Rwanda. The number of Heads of State and Government who attended the subsequent meetings went up and down. The smallest number turned up at the summit in 1971 with only 10 Heads present. See Keesings Contemporary Archives, vol. XVIII, 1971-1972, p.24738. A year later a record number of 22 Heads came to the conference. Ibid., p.25371.

Heads of State and Government are represented by their duly accredited representatives, the political function and importance of the body will suffer, to say the least, if the summit becomes a gathering of "accredited representatives".

Any analysis of the power of the Assembly must distinguish between the Assembly's relation to the lower organs of the OAU and those between it and the member states. Its supremacy was only brought to bear upon the other organs of the Organization. The Assembly by its right to "review the structure, functions, and acts of all the organs and any specialized agencies which may be created in accordance with the present Charter"⁷⁷ was given the powers of a truly supreme organ with the right to direct and guide the other bodies. Its competence is not limited to any particular aspect of the OAU's purposes.

A look at the Assembly's political powers towards the individual states reveals that its competence is "primarily deliberative".⁷⁸ Everything can be debated as at any other diplomatic conference, but when it comes to the implementation of adopted resolutions not even the combined power of the leaders can enforce them.⁷⁹ The stumbling-block was the principle of unrestricted sovereignty of the states as explicitly laid down in the Charter. Nothing could be done about a state which violated or dissented from

77. See article VIII of the Charter.

78. Z. Cervenka, op.cit., p.44.

79. "Each Head of State had unusually broad powers in his own government but even all of them together could not take decisions binding on any one." J. Woronoff, op.cit., p.159

the adopted policy. In other words resolutions adopted by the Assembly are not more than recommendations. Only those resolutions with reference to the structure and operation of the OAU would be binding on the members;⁸⁰ this is, of course, the first prerequisite for institutional survival of the OAU.

The African leaders were not unaware of the dilemma of responsibility and power. Although they abandoned the rule of unanimity and replaced it by majority decisions in order to bypass the possibility of vetoing the decisions, they nevertheless tried to adopt resolutions which were approved of by all the leaders and to find the broadest consensus. There was hope that the unanimously adopted resolutions, if not being binding, would at least put the African governments under such moral, political and public pressure as to prevent them from acting against the resolutions. Given the fact that African leaders disagree upon many points, unanimity could only be achieved at the cost of watering down resolutions, making them tame, depriving them of any strong political impact and thus rendering them purely declaratory statements without enough political significance to bring about any change on the continent.

The Council of Ministers

The Council of Ministers composed of foreign ministers or such other ministers as are designated by the governments

80. Z. Cervenka, op.cit., p.45-46.

of member states meeting at least twice a year "acts as a cabinet to the Assembly, in that it is specifically charged with the implementation of the Assembly's decisions".⁸¹ However, that does not imply that the Council is responsible to the Assembly in any parliamentary sense. Decisions taken in the Council by simple majority are mere recommendations for the Assembly. They are left to them for approval or rejection.⁸² The two chief tasks of the Council are "the responsibility of preparing conferences of the Assembly" and "the implementation of the decisions of the Assembly".⁸³ This latter assignment - given that the Assembly resolutions are not binding on member states - can only consist of "supervising or just noting the implementation of resolutions voluntarily by the member states and the reporting back to the Assembly."⁸⁴ Furthermore, the Council has to work as the main channel through which the Assembly exercises its control over the organization. The Council is the main instrument for co-ordination of inter-African co-operation. It tries to promote such co-operation by co-ordinating the committees' work and assessing its priorities.⁸⁵

81. Ibid., p.49.

82. In the Rhodesian case the Council adopted unanimously a resolution demanding the breaking of diplomatic relations of every member state with Britain in the event of Rhodesia's UDI. However, most African states repudiated such a move.

83. OAU Charter, Art.XIII.

84. J. Woronoff, op.cit., p.163.

85. Ibid., p.163.

A prima facie analysis of the role of the Council as stipulated in the Charter is likely to underestimate the role of the Council in relation to the Assembly. To the Council applies what Woronoff emphasizes for the Charter as a whole, namely that it was soon an "unrecognizable or misleading image of the Organization. Real insight could be gained only from a study of both the theory and the practice of its function."⁸⁶ Although the Assembly was "supreme" vis-à-vis the Council the latter managed to influence decisions of the Assembly. The Council through its ability to convene quickly in urgent cases, "assumed its role as the one body within the OAU that immediately responds to emergencies through suddenly erupting crisis."⁸⁷ The decisions taken in these cases were looked at as the official policy of the OAU until the next summit when they could be approved or rejected by the Assembly.

The exact relationship between the Assembly and the Council was not clearly defined. Both were concerned with the same vast variety of issues.⁸⁸ In the course of the OAU's existence the Council grew in importance especially in the field of political questions. The ministers met more frequently and had more time to spend on matters concerned with non-alignment, decolonization and peaceful settlement of disputes. They discussed special problems regardless of whether or not they had been referred to them by the Assembly. Inevitably, the Heads

86. Ibid., p.157.

87. John Markakis, "The OAU: a Progress Report", in: Journal of Modern African Studies, vol.4, no.2, October 1966, p.145.

88. See J. Woronoff, op.cit., p.164.

of State and Government were influenced by the results of such discussions. Very often the Assembly based its decision on draft resolutions presented to it by the foreign ministers. It can be assumed that the ministers arrived at their meetings well instructed by their Presidents and Prime Ministers as to what line they were supposed to take in certain matters. But a conference has its own "inner life"; and in the course of the debates the ministers might be carried away by the effort of coming to grips with problems. Hence, they might be tempted to go beyond what would be politically acceptable to their governments. They were especially prone to do so, because they often met in a climate of acute crisis with all the pressure involved in such a situation.

The relationship between the Assembly and the Council could not remain without conflict. The Heads of State bearing more political responsibilities than their often younger ministers, were liable to act more cautiously and, as had been pointed out earlier on, the necessity to find a two-thirds majority demanded less radical decisions. After embarrassing cases of dissent between decisions of the Council and the Assembly such as on the Rhodesian question and the Israel-Arab problem it was decided by an Assembly meeting in Algiers in 1967 that all Council resolutions require official approval by the Heads of State and Government. It was a matter of both organs becoming aware and assessing realistically their powers and responsibilities.⁸⁹

89. Compare with J. Woronoff, op.cit., p.167.

The General Secretariat

The third organ listed in the Charter is the General Secretariat. By the very name given to its highest official, namely Administrative Secretary-General, it was made obvious that the African leaders did not want him to become politically influential. The limits of his scope of political action were closely delineated. The other main concern was with his true independence from influence by any member country.⁹⁰ Reminded of the experience of Dag Hammarsköld's strong position in the UN and his role in the Congo crisis they wanted to make sure that the OAU's top official should not be elevated to such a position. They rejected the idea of "a dynamic Secretary-General who could cast a shadow on their own role".⁹¹ He lacked the right of his UN counterpart who could draw the attention of the Security Council to matters which threaten the world peace and international security (art. 99 UN Charter). The Secretary-General of the OAU would definitely be exceeding his powers by taking a comparable move, i.e. convening a meeting of the Council or the Assembly.⁹²

90. "Ainsi la crainte que le Secrétariat général ou le Secrétaire général de l'OUA puisse être utilisé comme un instrument d'intervention par certains états africains contre d'autres demeure à la base de l'attitude méfiante de l'Afrique à l'égard de sa propre organisation administrative" B. Boutros-Ghali, L'OUA, op.cit., p.119. The Heads of State were not concerned by the fact that they were copying Art. 100, paragraphs 1 and 2 of the UN Charter in Article XVIII, paragraph 2 of the OAU Charter.

91. J. Woronoff, op.cit., p.184. The Afro-Malagasy states also had some experience with an ambitious UAM Secretary-General.

92. M. Manigat, "L'OUA", op.cit., p.394.

No wonder therefore that long debates were held on this subject at the Addis Ababa Conference.⁹³ The Charter in its articles XVI, XVII and XVIII dealing with the General Secretariat leaves many blanks which are partly filled by the Regulations governing its functions and numerous other agreements.⁹⁴ One could give an impressive list of the Secretary-General's rights and duties, but nevertheless, he is "directly responsible to the Council of Ministers for the adequate discharge of all duties assigned to him."⁹⁵ Formally, his is a purely executive office. His task of co-ordinating the activities of the various organs of the Organization in preparing and implementing reports and sessions necessitate his acquiring a thorough knowledge of the activities of the institutions. Although his legal position is weakened because ex officio he has no right to take part in the meetings of the other organs of the OAU⁹⁶ this deficiency is counterbalanced by the fact that he was present at most of the meetings of the principal organs.⁹⁷

The impact a Secretary-General of the OAU can make depends very much on two variables: firstly there is the personal factor of the quality and dynamism of the office-

93. B. Boutros-Ghali, L'OUA, op.cit., p.115.

94. The first meeting of the Council at Dakar in August 1963 approved of these regulations under the heading of "Functions and Regulations of the General Secretariat."

95. Rule 7, Functions and Regulations of the General Secretariat, reprinted in: J. Woronoff, op.cit., p.658. From the duties were omitted the implementation of political decisions.

96. The Charter stipulates nothing of this sort. There is only reference made to this problem in rule 9 of the "Functions and Regulations": "The participation of the Administrative Secretary-General in the deliberations of

holder and secondly he relies heavily on the good-will of the member countries' governments to supply him with maximum information on all relevant problems. This is what Boutros-Ghali calls "la difficulté classique que rencontre chaque organisation".⁹⁸ Through the Annual Report the Secretary has to prepare each year on the activities of his organisation he could infuse his own assessments on the accomplishments and necessities of the work of the OAU. Also, through his various duties he must be the best informed man in the OAU Headquarters and African politicians would certainly consider his advice as worth listening to.

The success of the Secretary's work not only depends on the amount of support he receives from the African governments and the other sources but also on the efficiency of help he gets from his colleagues in the Secretariat. He was given four Assistant Administrative Secretaries-General. But nothing was said about how they should contribute to the work of the Secretary-General. They were chosen by taking into account an even geographical and political distribution of offices. While the first Secretary-General was a Guinean his assistants came from Algeria, Dahomey, Kenya and Nigeria.⁹⁹ Since the bulk of

the Assembly, of the Council of Ministers, of the Specialized Commissions and the other organs of the Organization shall be governed by the provisions of the Charter and by the respective rules of procedure in these bodies." See J. Woronoff, op.cit., p.658.

97. Z. Cervenka, op.cit., p.66.

98. B. Boutros-Ghali, L'OUA, op.cit., p.119.

99. J. Woronoff, op.cit., p.185.

OAU activities are carried out on the conference and meeting level it is in this realm that the work of the Secretariat is most essential.

To my knowledge no comprehensive survey has been made on the administrative operation of the Secretariat. By the same token it is thus impossible to assess the climate of co-operation or non-co-operation amongst staff members and the amount of help Diallo Telli was able to get from his colleagues.

An assessment of the practice of the Secretary-General of the OAU can only really amount to a comment on the performance of its first incumbent, Diallo Telli.¹⁰⁰ It seems that his was a post not particularly sought after. After all, in 1968 when he had to face the test of re-election, only one candidate from Rwanda offered himself as an alternative, despite the fact that there was considerable opposition against Telli. His re-election was a painful procedure, and several ballots were necessary before this was secured. Thompson and Bissell call this a "profound commentary on the authority of the Secretariat,"¹⁰¹ and I dare add its Secretary-General. Having very strong political ideas, Diallo Telli must have found it difficult to refrain from a politically more

100. His successor, Nzo Ekangaki, was only elected at the summit meeting in June 1972 in Rabat. He has not had enough time to make an impact yet.

101. W. Scott Thompson and R. Bissell, "Legitimacy and Authority...", op.cit., p.32.

active role. His critics, however, accused him all the same of playing politics. He made the press conference his chief weapon; thereby invoking public opinion to bear pressure upon the member states. While he risked disagreement with member states in his first period of office by more outspoken statements and energetic moves, he was likely to tame his political energies in the second term of incumbency. "This might well please the majority of the member states. But it did not obviate the necessity for the Organization to develop a distinct personality and create a noticeable presence on the continent. More than ever it required a trusted and dynamic person to give it a new impulse."¹⁰² Cervenka comes to a judgement very much in favour of the first office-holder: "Diallo Telli's unequivocal adherence to the principles of the OAU Charter and the fervour with which he insists on the implementation of the OAU's resolutions and decisions, have greatly facilitated his difficult task of steering the Organization through the frequent crises it has been forced to overcome during the short period of its existence."¹⁰³

Staffing and Financial Resources

It has been stressed earlier that the efficiency of the OAU as an instrument of inter-African co-operation depends ultimately on the willingness of the political

102. J. Woronoff, op.cit., p.192.

103. Z. Cervenka, op.cit., p.67.

leaders to work out a common policy. This is the basic prerequisite for the OAU to operate successfully. But even if this pre-condition has been fulfilled a good performance of the Organization then hinges upon two major factors; the first is the provision of adequate staffing and the second is financial resources available to the Organization. According to Thompson and Bissell the OAU's record of coping with its task was most satisfactory in the first year of its existence. Institutional stability lasted only as long as the OAU offices were staffed by Ethiopians.¹⁰⁴ After the arrival of the first Secretary-General the Ethiopian staff was partially replaced by officials from all over Africa. This turned out to be a slow process. Suitable candidates were difficult to find given the general shortage of appropriately trained manpower. Although there was the financial incentive of a salary scale comparable to that of international organizations,¹⁰⁵ there were other factors which made African civil servants reluctant to seek employment with the OAU. The UN certainly holds greater attraction for African officials. And secondly, they might have rejected the idea of being removed from the centre of influence in their own capitals. Working for the OAU had not acquired enough prestige to make up for these shortcomings.

104. W. Scott Thompson and R. Bissell, "Legitimacy and Authority ...", op.cit., pp.31-32

105. See J. Woronoff, op.cit., p.185

At a Council of Ministers meeting in Nairobi in February 1965 it was agreed that the staff should ultimately reach the number of 250 members, two-thirds of whom would be attached to the headquarters in Addis Ababa. Woronoff believes that given the OAU's "broad and ambitious program, 250 would still be only a skeleton staff."¹⁰⁶ Whether or not that is the case is difficult to assess. It ultimately depends on the skills of the civil servants. Given the fact that the officials come from countries with different administrative traditions and speak different languages, to organize an efficient apparatus would be extremely difficult. The lack of an adequate communication network on the African continent hampered the task further. "After the first phase of the organization's business, when complex matters had to be negotiated on which there was no immediate concurrence, the problems of security, mail, and telephone service complicated matters enormously."¹⁰⁷ Generally speaking what the organizational problems amount to was to create a sophisticated machinery in the midst of underdeveloped societies. If it was difficult to staff the Organization properly it was certainly no easier to provide it with adequate financial resources. In the period from May 1963 to February 1964 when Ethiopia was responsible for supplying

106. *Ibid.*, p.189, According to the pamphlet "Organization of African Unity. What it is, How it Works, What it does", published by the OAU Press Information Division, Addis Ababa, 1971: "300 Staff members of whom 71 of the professional category from 32 independent African countries and Angola, work both at headquarters and in the Regional and Subregional offices." p.6.

107. W. Scott Thompson and R. Bissell, "Legitimacy and

the manpower needed it also paid the expenses which amounted to \$/ 200,000.¹⁰⁸ The Charter stipulates that the member states should make contributions to the budget "in accordance with the scale of assessment of the UN, no member state shall be assessed an amount exceeding twenty percent of the yearly regular budget" (Art. XXIII). Budgetary matters caused extreme difficulties in the first years until they were sorted out. The first budget amounted to \$/ 4,500,000.¹⁰⁹ Less than half of the assessments were actually paid, twenty-four countries failing to meet their dues.¹¹⁰ Appeals could only be launched to urge the countries to pay their share. The Charter does not provide for any sanctions against those countries who failed to pay their contributions. If the OAU wanted to escape the dilemma of financial collapse it had to cut down its expenses which amounted to a cut on services on all levels. This was what was done giving the OAU a slightly better record in the ensuing years.¹¹¹ A committee was set up in order to review the financial situation. The committee members recommended that the number of specialized committees should be reduced and that fewer ad hoc bodies were to be established in the future.

Authority...", op.cit., p.32.

108. Ibid., p.32.

109. J. Woronoff, op.cit., p.633.

110. P. Saenz, op.cit., p.217.

111. W. Scott Thompson and R. Bissell, "Legitimacy and Authority....", op.cit., p.33.

The contributions the member states had to pay should not only be made in accordance with the scale of assessments of the UN but should also be based on the national product and income of each country.¹¹² In November 1967 an austerity budget of \$/1,700,000 was adopted. Four years later the budget stood at about \$/3,000,000.¹¹³ Even if one takes into account that Africa is poor, Woronoff believes that the OAU is not too heavy a financial burden for the member states. "Quibbling about budgetary expenses probably represents less an inability to pay than hidden disapproval of purposes for which the money was spent. This was more a way of expressing general dissatisfaction and disapprovements with the OAU."¹¹⁴ The Specialized Commissions which were to be set up following Article XX of the OAU Charter illustrate very well the inadequacies of staffing and financing. Their meetings had to be frequently cancelled for want of a quorum. Those Commissions which did secure the necessary quorum often came out with over-ambitious plans which paid little heed to the financial reality. The Commissions "became a burden on governments which had too many burdens, and too few men to deal with these, far closer to home."¹¹⁵ A more detailed discussion - necessary as it might be for an overall assessment of the OAU's record of success - is not

112. J. Woronoff, op.cit., p.634.

113. OAU Pamphlet, op.cit., p.6.

114. J. Woronoff, op.cit., p.636.

115. W. Scott Thompson and R. Bissell, "Legitimacy and Authority....," op.cit., p.33.

required in our context.

The Commission of Mediation, Conciliation and Arbitration

The last of the four principal institutions of the OAU - not to be confused with the Specialized Commissions - is the Commission of Mediation, Conciliation and Arbitration. This institution was certainly made part of the Charter in order to assure a maximum of efficiency in applying Article III,4 ("peaceful settlement of disputes by negotiation, mediation, conciliation and arbitration") of the Charter. This document does not reveal anything about this organ other than the pledge for its establishment. The first Ordinary Conference of Heads of State and Government in July 1964 adopted a "Protocol" of the Commission defining its membership and its tasks. The Commission thus became an integral part of the Charter.¹¹⁶ Yet another year had to pass before the members of the Commission were designated in Accra in October 1965. And it was only in December 1967 that the Commission met for the first time.¹¹⁷

The Commission was constituted as an autonomous organ independent of the Council and the Assembly.¹¹⁸ It

116. J. Woronoff, op.cit., p.176. The institutionalization of the Commission distinguishes the Charter of the OAU from that of the UN which also imposes an obligation for peaceful settlement of their disputes on its members (Article 23, UN Charter), but does not create an organ to deal with conflicts. It is conceivable that by creating such a Commission the African leaders wanted to compensate for the less active role given officially to the OAU Secretary-General.

117. J. Woronoff, op.cit., p.181.

118. M. Manigat, op.cit., p.392.

is not a judicial organ. The Commission consists of twenty-one members, mostly jurists, who are elected by the Assembly of Heads of State for a period of five years. No two members shall be nationals of the same country (Art. II,2). It is a permanent body, headed by a President and two Vice-Presidents who should reside in Addis Ababa while the other members take up their position whenever required. The strict regulation that the Commission shall have jurisdiction over disputes between states only (Art. XII), excludes conflicts between member states and the OAU, between member and non-member states and between member states and individuals.¹¹⁹ The Heads of State would resent any inroads being made on their prerogatives by widening the competence of the Commission.¹²⁰

Any conflict can be referred to the Commission by one or both opponents, by the Council of Ministers, or the Assembly. In case of refusal by one party to submit to the jurisdiction, the case can be referred to the Council which can recommend but not enforce a legally binding solution, on the antagonist who refuses to bring the dispute before the Commission (Art. XIII).¹²¹ Whatever the outcome of any dealing of the commission no ruling could be

119. B. Boutros-Ghali, L'OUA, op.cit., pp.122-123. The limitation follows the usual international pattern; the jurisdiction of the International Court of Justice is also limited to states. See B.S. Murty "Settlement of Disputes" in: Max Sørensen: Manual of Public International Law, London, Melbourne, Toronto, 1968, p.701.

120. J. Woronoff, op.cit., p.177.

121. Reprinted ibid., p.652. According to Elias, it has been a point of much controversy whether the jurisdiction of the Commission should be compulsory or optional. The member states would not have accepted a compulsory solution. T.O. Elias, "The Commission of Mediation, Conciliation and Arbitration", in: British Yearbook of International Law, 1964, p.343.

enforced upon the state and there was no provision made for the exclusion of a non-abiding state from the OAU.¹²² A brief look at the methods of peaceful settlement provided for in the Protocol seems appropriate. The opponents are free to choose either of the procedures (Art.19).

Mediation

One or two members of the Commission who are appointed by the President have the task to try and reconcile the views and claims of the disputants by means of written proposals. In case of acceptance of these proposals by both parties they become the basis of settlement between them.¹²³ This method is very similar to the procedures of "good office" meaning that a third party brings the two parties to the dispute together to negotiate.¹²⁴ Both methods are diplomatic procedures.

Conciliation

This is also a diplomatic procedure albeit with slightly greater influence of the conciliator on the parties. If a dispute is to be settled by means of conciliation a commission must be set up whose task is to elucidate the facts and to write a report containing

122. Z. Cervenka, op.cit., pp.86-87. This problem, however, was discussed but it seemed inappropriate to include such a provision in the Protocol when no such clause exists in the Charter.

123. Art.XX,XXI of the Protocol, reprinted in: J. Woronoff, op.cit., pp.653-654. This procedure follows exactly the Definition of Mediation as codified in Art.4 of the Hague Convention for Pacific Settlement of International Disputes, See Murty, op.cit., pp.675-676.

124. The less formal procedures of good office and negotiation are not included in the Protocol. But there is reference to negotiation in Art.III,4 of the Charter.

proposals for a settlement. Conciliation is not judicially binding. "In the strict sense conciliation is an investigation into disputed facts coupled with a report on legal responsibility, sometimes embodying recommendations for settlement. Applied more loosely the expression has served to describe not only inquiry and report but also mediation and good office."¹²⁵

It is not possible to give a clear-cut conceptual demarcation between mediation and conciliation. In the case of mediation the mediator shall be confined to reconciling the views and claims of the parties. Conciliation goes a little further. Conciliators may undertake inquiries or hear any person capable of giving relevant information concerning the dispute.

The stipulations in the Protocol of the Commission of Mediation, Conciliation and Arbitration provide that if one or more parties wish to submit a dispute to a settlement by conciliation they should do so by sending a petition to the President of the Commission explaining the grounds of disagreement, Art. XXII. Upon receipt of the petition a Board of Conciliators of whom one should be chosen by each of the parties will be set up. The Board by considering all relevant questions shall then try to bring about an agreement between the parties upon mutually acceptable terms (Articles XXIII and XXIV). The parties are represented by agents. Although the procedure of conciliation is more formal, the Board has no means to enforce any settlement. The parties in any case have the final say as to what the agreement should be.¹²⁶

¹²⁵. See D.J. Letham Brown, Public International Law, London, 1970, pp.66-67.

Arbitration

The third form of procedure is a judicial one. But it must be said that though in principle it is an adjudicative method, "international arbitration is closely akin to diplomacy".¹²⁷ Arbitration means the termination of a difference between states through application of law by one or more arbitrators or a tribunal other than the International Court of Justice. The parties can make their own choice of law which should be applicable to the case. Although the award of the arbitrators is legally binding, political compliance is not always obtained in the absence of a coercive force above the states' authority. To begin with parties to a dispute cannot be forced to fall back on arbitration to sort out their conflicts.

The regulations for arbitration as laid down in the Protocol are as follows: Each party designates one arbitrator among the members of the Commission, who on their part choose a third man to become chairman of the tribunal. If they fail to agree on the person of chairman, he will be appointed by the Bureau of the Commission. All three must have legal qualifications. It is obvious that they should not be nationals of either of the disputing parties (Article XXVII). Recourse to arbitration shall be regarded as submission in good faith to the award of the arbitral tribunal (Article XXVIII).

126. B.S. Murty, op.cit., p.697.

127. J. Woronoff, op.cit., p.179.

Before the tribunal can start its task, the parties have to find a compromise which, among other things, specifies the kind of law to be applied by the Tribunal. Although in keeping with international law, this provision, nevertheless, makes allowance for the attitude of African states regarding principles of international law which they distrust, on the grounds that it is a law formed in the period of imperialism and mainly a product of Christian and European creation. "They (the Africans) are unwilling to have their disputes settled by these standards (international law), but are prepared to have them settled by standards to which they have themselves agreed, in new conventions."¹²⁸ If no specific provisions are made regarding the application of law, the dispute shall be decided according to treaties concluded between the parties, international law, the Charter of the OAU, the Charter of the UN and if the parties agree, ex aequo et bono (Article XXX).¹²⁹ All the hearings and meetings proceed in camera (Article XXXI). The sentence of the Tribunal is final and not open to revision.¹³⁰ After this description of the constitutional set-up of the Commission, the question remains: How useful

128. Z. Cervenka, op.cit., p.91. See also J. Woronoff, op.cit., p.180: Therefore treaty-regulated settlements seemed to be more likely in the future rather than settlements based on rules of customary international law.

129. et aequo et bono - meaning equitable settlement of a dispute in disregard, if necessary, of existing law. A case is decided based upon this principle, if there is no rule of law among the categories listed, which might be applicable to the case. See B.S. Murty, "Settlement of Disputes", op.cit., p.691.

could an instrument like it be in the realm of African dispute settlement? Although we may well anticipate an assessment of the Commission's importance in stating that so far it has not functioned¹³¹ and African states had recourse to other procedures than those envisaged in the Protocol, we, nevertheless, have to wait for an analysis of special cases as will be given in the following chapters in order to show the Commission's shortcomings. A few remarks, however, seem appropriate. The fact that by the means of relying on the ex aequo et bono principle the judicative procedure of the Commission can be by-passed indicates that the African countries prefer not to follow the techniques of traditional international law. "Il nous semble que, parmi les techniques de solutions offertes aux Etats africains pour régler leurs différends, le procédé du règlement judiciaire et arbitral correspond le moins à l'état actuel de la conjoncture continentale. L'Afrique des patries est encore au stade des négociations diplomatiques."¹³² Given the abovementioned unwillingness to use the instrument of the Commission why were the African states so keen to establish it in the first place? The African leaders were aware that conflicts were liable to arise among their states. They needed a body able to deal with the expected border disputes and qualified to

130. Nigeria, in particular, opposed the idea of excluding the possibility of revision or appeal. See B. Boutros-Ghali, L'OUA, op.cit., p.127.

131. Ibid., p.121, also M. Manigat, op.cit., p.393.

132. B. Boutros-Ghali, L'OUA, op.cit., pp.128-129.

interpret treaties and conventions. If they had no tools to cope with their conflicts, political disorder would be the result. A divided Africa would thus become an ideal playground for external intervention. As Mazrui sees it Africa's aspiration was to be its own policeman.¹³³ Consequently he interpreted the purposes of the Commission as a modest step towards a "Pax African~~a~~" asserting that peace in Africa is to be assured by the exertions of Africans themselves.¹³⁴ To achieve this goal, they preferred more flexible rather than the pre-set binding means offered in the Commission.¹³⁵ This, however, does not explain why the Commission was set up in the first place. Perhaps the African leaders wanted to prove that Africa was capable of setting up a sophisticated legal body. Such an institution could increase Africa's international reputation. They wanted to become independent from international legal tribunals, because they distrusted them as "alien" institutions based on a Western value system. "The last straw was the inability of the International Court of Justice to rule in Africa's favour on the South West Africa case."¹³⁶ The main stumbling blocks to an effective Commission are summarized very appropriately by Woronoff:

133. A. Mazrui, op.cit., p.213.

134. Ibid., p.203.

135. M. Mushkat, "Problems of Political....", op.cit., p.275.

136. J. Woronoff, op.cit., p.180.

"Even with an African commission whose rulings were usually not binding, it was not certain whether the independent states would relax their grip on sovereignty sufficiently to permit the Commission to function. Although the member states had pledged to settle their disputes by peaceful means, this did not necessarily imply that they would have recourse to the Commission. In many cases they might well prefer direct negotiations or good offices through another state or the OAU itself. This was certainly the only way in which they would handle political disputes and for sometime almost every dispute might seem politically loaded. At most they would come before the Commission when an agreement had nearly been reached so as to present it as a victory of African unity." 137

As long as national sovereignty is the supreme principle in the international relations of the African states no machinery no matter how perfectly constructed can settle disputes which are after all political problems if there is no means of coercion. One might speculate that in cases where countries felt that they could settle a dispute peacefully, they could just as well do it "privately" rather than through the Commission. Where they could not settle it easily they probably would not accept the Commission's ruling.

5) The Organization of African Unity and other Organizations

Looking into the principles, purposes and machinery of the Charter the question arises - what sort of instrument in inter-African dispute settlements the OAU might be. As all the African states are members of the United Nations

137. Ibid., pp.180-181.

and a majority of them also adhere to subregional groupings, organizations which on their part offer institutional frameworks for conflict solutions, the question has to be asked about the relationship between these different types of international organizations and the OAU. An analysis of these relationships provides us with an answer to the striking fact that "en cas de différend les intéressés ou leurs collègues saisissent plus facilement à l'OUA que l'ONU ou tout autre organe sub-régional."¹³⁸

The Organization of African Unity and the United Nations

The Preamble of the OAU Charter contains one statement which is of relevance for the OAU-UN relationship and thus implicitly for inter-African conflict solutions. The African countries adhered to the UN Charter which provides "a solid foundation for peaceful and positive co-operation among states."¹³⁹ In other words the UN seems to serve the same purpose albeit amongst a world-wide group of states as the OAU. As all African states which are members of the OAU are at the same time members of the world organization the problem of pre-eminence occurs. Which of the two organizations, and for what reasons, ought to be the forum for peacemaking in any African conflict? Since 1963 the only problems that were brought both before the OAU and the

¹³⁸. M. Manigat, op.cit., p.384.

¹³⁹. See Preamble of the OAU Charter.

UN at the same time were those which involved non-African countries or countries not to be regarded as African like Portugal, South Africa and Rhodesia. The Congo crisis is the outstanding example where Africa did not manage to keep the dispute confined to African mediation. The Stanleyville case demonstrated that the Security Council is not willing to give the OAU an exclusive right of intervention reserving to itself the role of a pure institution of appeal. "L'existence seule de l'OUA et le perfectionnement de ses capacités pour maintenir la paix entre ses membres n'est donc pas encore une garantie suffisante pour éviter toute intervention extra-africaine et pour finalement bannir la guerre froide du territoire africain."¹⁴⁰

The main question that emerges is formulated by Manigat as follows: Is there an incompatibility between the principles of the OAU and those of the UN which makes the African states prefer their organization as a machinery of conflict settlement? How far is it an aspect of the everlasting conflict between universalism and regionalism?¹⁴¹ Perhaps the African states feel more like being among friends in the OAU. As far as the relationship between the OAU and the UN is concerned there is not much allusion to the UN Charter in the Charter of the OAU, apart from the direct reference in the Preamble.

140. "Les Relations entre l'OUA et l'ONU", in: Revue Française d'Etudes Politiques Africaines, No.22, October 1967, p.55.

141. M. Manigat, "L'OUA", op.cit., p.385.

142. Excerpts in B. Boutros-Ghali, L'OUA, op.cit., pp.25-26.

However, quite a few African leaders referred to the similarities in the goals of the OAU and UN in their speeches in Addis Ababa.¹⁴² The Addis Ababa Charter specifically adheres to the Universal Declaration of Human Rights defining its principles as parallel to those of the UN. The OAU Charter is silent about whether the OAU should be considered as a regional organization within the terms of chapter VIII of the UN Charter. A speech addressed to the Assembly of Heads of State in Cairo in July 1964 by U Thant confirmed that the top UN official perceived the OAU in those terms.¹⁴³ The rules governing the relationship between the two bodies and its organs are on the whole incorporated in the World Organization's Charter. "Ce sont les règles de la Charte de l'ONU relatives aux accords régionaux qui sont déterminantes."¹⁴⁴ Two concepts require notice. Firstly, there is according to articles 33 and 52 (2) of the UN Charter an obligation for regional organizations to use their regionally available machinery for settlement of disputes first before referring conflicts to the Security Council. Regional organizations can count on the encouragement given to their procedures by the Security Council, Art. 52 (3). These provisions, however, do not affect the competence of the Security Council to investigate any conflict that might occur under Article 34 of the UN Charter.

143. Z. Cervenka, op.cit., p.109.

144. "Les Relations entre l'OUA et l'ONU," op.cit., p.43.

145. See S.J. Murty, op.cit., p.127.

147. E. Sanigat, op.cit., p.356.

Secondly, there is organizational pre-eminence of the UN vis-à-vis the OAU. If a conflict arises between the competence of the UN and the OAU it is the authority of the world organization which predominates according to Article 103 of the UN Charter.¹⁴⁵ Furthermore, the superior position of the UN is maintained by Article 54, which gives the S.C. the right to be kept fully informed of the activities of the regional institutions and by Article 103, which gives the obligations under the Charter priority over those under the constituent treaties of regional institutions.¹⁴⁶

To summarize, it can be contended that following the judicial prescription of the UN Charter the tradition of the OAU to confine dispute settlement to the African machinery is based on safe legal grounds. But this is surely not a satisfying explanation why the African states tried to keep the UN out of Africa whenever possible. The behaviour of the African states is first of all an affirmation of a deliberate political option.¹⁴⁷

Secondly the African states are anxious to solve their problems in the fraternal context of their own organization, as mentioned before. They are afraid that conflicts limited in their scope might become a dangerously increased threat by means of non-African involvement and

145. "In the event of a conflict between the obligations of the members of the UN under the present Charter, and their obligations under any other international agreement, their obligations under the Charter shall prevail" B.V.A. Roling, op.cit., p.108.

146. see B.S. Murty, op.cit., p.727.

147. M. Manigat, op.cit., p.386.

interference. "Il vaut mieux ne pas rechercher une 'internationalisation de la paix' dans le cadre des Nations Unies, qui pourrait déboucher sur une "internationalisation de la crise' par la mise en jeu antagonique d'intérêts extérieure au continent".¹⁴⁸ But ultimately the OAU and the African states have no levers they can use against the determination of foreign powers to intervene in Africa.¹⁴⁹ It remains to be seen in the following chapters why some countries ran against this main-stream of attitudes by trying to involve the UN in a conflict waiting for solution rather than conform with the majority attitude to try to solve the problem in a purely African framework.

The Organization of African Unity and African Subregional Groups

A final problem requires some consideration. It is the relationship between the OAU and subregional groupings. The first Council of Ministers meeting in Dakar in August 1963 was dominated by the problem of regional groupings and the pre-eminence of the OAU vis-à-vis these groups.¹⁵⁰ The approach adopted regarding this relationship depends to a great extent on the general attitude towards African unity. Although everybody seemed to agree that the founding of the OAU made the existence of the Monrovia and Casablanca groups obsolete, there was no general consensus between those who advocated that all

148. Ibid., p.387.

149. C. Hoskyns, "Trends and Developments in the OAU", in: The Yearbook of World Affairs, vol.21, 1967, p.173.

150. S. Bonzon, op.cit., p.25.

organizations which were not strictly based on geographic realities and economic necessities had to be disbanded and those who did believe that the establishment of groups should not be limited to such purposes. The line of division did not simply leave all Monrovia states in one camp and all Casablanca states in the other. The matter was more complicated. However, it was clear that the UAM was the main bone of contention. As the Charter neither contains any reference which would make the OAU the supreme African body nor any requirements to compel the integration of other bodies into the Organization the abovementioned Council meeting had to take some decisions on regional groupings.

Regional groupings should be restricted to non-political activities; this seemed to be the only logical conclusion to be drawn from the fact that the OAU was founded because the African leaders sincerely wished to end the existence of political divisions that had split the continent into rival blocs. The ministers did not agree on an outright dissolution of all groupings with political ties, advocated by such "radical" states as Ghana and Guinea but also by such a "moderate" one as Nigeria.¹⁵¹ In an atmosphere of tension and emotion the Council meeting's discussion focused on the question of the existence of the UAM. The members of this organization might have been willing to give up the status of a political group but they

151. J. Woronoff, op.cit., p.588.

clearly refused to disband their organization altogether. As Thompson and Bissell point out the UAM was serving a useful purpose for its members. They were not prepared to sacrifice it "in the name of a myth in whose history they had played no part."¹⁵² Why should they make the sacrifice if those countries who are members of the Arab League were not asked to do the same. They furthermore argued that the UAM states had acquired great experience in co-operation among African states "and its cadres could serve as a base for that all-African co-operation which had not yet been achieved."¹⁵³ At the end of the debate a carefully worded resolution was adopted stating that regional groupings should be in keeping with the OAU Charter and be concerned with the co-ordination of economic, social and cultural activities.¹⁵⁴ But the actual relationship between the OAU and the regional organizations was not determined. By 1967 when it had become evident even to the greatest enthusiasts that the OAU machinery was weak and its Specialized Committees could not fulfill an appropriate role in facilitating co-operation the Kinshasa meeting adopted a resolution which strongly recommended the formation of regional economic groups to fill the gap which the OAU had been proven incapable of doing.¹⁵⁵ But the problem of co-ordinating the activities of all the existing groups remained one of the most complicated task in

152. W. Scott Thompson and R. Bissell, "Legitimacy and Authority....", op.cit., p.22.

153. Ibid., p.23.

154. J. Woronoff, op.cit., p.589.

155. Ibid., p.590.

inter-African policy-making.

How did the African states adapt to the new situation called for at the Dakar Council of Ministers meeting? In the cases of groups like the Ghana-Guinea-Mali Union, the AAPO, the Casablanca and Morovia groupings no dramatic decisions had to be taken, they were either very weak or had already died. The more successful groups on the other hand had to start to sort out their status in the future. Clearly within the meaning of the Dakar stipulation the UAM dropped its political functions in order to become a purely economic and cultural organization, Union Africaine et Malgache de Coopération Economique (UAMCE), in March 1964. Thus the survival of the Brazzaville group was guaranteed under the cover of a regional grouping in the technical sense. But only a year later, in February 1965, UAMCE was replaced by the Organisation Commune Africaine et Malgache (OCAM). The Congo crisis had once again been the main reason for the formation of a political group, i.e. OCAM, in Africa. The members wanted an organization which they could use for political purposes. They wanted OCAM to be a body which could co-ordinate their political activities, a body "within the context of the OAU to reinforce co-operation and solidarity between African states and to speed up their political, economic....development."¹⁵⁶ The word 'political' was no longer omitted from the charter of a regional organization. However, simply mentioning 'political development' in a charter does not make the organisation a

156. Z. Cervenka, op.cit., p.146. (My italics).

'political' group in any active or inter-state sense. Real co-ordination of policy-making requires a united political will. If OCAM would succeed to reactivate its political functions it could become a threat to the pre-eminence of the OAU as a political organization.

The area in Africa where movements towards regional federation have always played a part in political considerations was East Africa. These ideas were particularly lively around 1963. But oddly enough, East African federation was not discussed in Addis Ababa.¹⁵⁷ Only a week after the summit conference in the Ethiopian capital the federal tendencies in East Africa reached a focal point when Uganda, Kenya and Tanganyika signed a Declaration in Nairobi announcing their intention to federate by the end of the year. This step immediately aroused sharp criticism from Ghana.¹⁵⁸ Nkrumah felt that "federation was not in accord with the Addis resolutions on African unity,"¹⁵⁹ while Obote, Kenyatta and Nyerere emphasized that their move must be seen as being in line with the "spirit of Pan-Africanism and following the Declaration of African unity at the recent Addis Ababa conference."¹⁶⁰ The ensuing months and years revealed that Nkrumah attacked a lame duck.

157. J.S. Nye, op.cit., p.195.

158. Z. Cervenka, op.cit., pp.150-151.

159. J.S. Nye, op.cit., p.195.

160. Quoted from the Nairobi Declaration, reprinted in: Z. Cervenka, op.cit., p.151.

161. J. Woronoff, op.cit., pp.507-508.

The project of federation never got off the ground. What was achieved was a functional approach to co-operation which did not threaten the OAU's pre-eminence in political issues. In June 1967 Obote, Kenyatta and Nyerere signed an agreement for an East African Community which was to be a kind of 'common market'.¹⁶¹

It can be concluded that as long as regional groupings are based on a functional approach to co-operation and are not partial political organizations the political pre-eminence of the OAU is not in jeopardy. The logical consequence would be that the OAU can act as the dominant peace-maker in inter-African political disputes. Its efficiency in this realm is, however, hampered by a number of facts as I have suggested in this chapter. How great an impediment will the deficient machinery of this organization be? Some of these deficiencies are due to the conditions of underdevelopment prevailing in Africa while others are inherent problems faced by any international organization trying to combine political and legal means to set up a peace-keeping machinery. The power of the OAU can be increased by the amount of prestige it will be able to get in the international political community. Its importance is undoubtedly enhanced by making it an organization within the constitutional framework of the UN. U Thant's frequent attendance of summit meetings was an additional encouragement to the African leaders.

Ultimately, however, its success depends on the willingness of the sovereign states to co-operate and the readiness of

161. J. Woronoff, op.cit., pp.607-608.

the non-African powers to abstain from interference into the affairs of the African continent. "La collaboration interétatique est la source de leur énergie, le nationalisme et l'affirmation individuelle des intérêts sont des freins à leur efficacité."¹⁶² As far as the historical goals of Pan-Africanism go the OAU reaffirms only some of them. They are those the African leaders can openly adhere to without jeopardizing their countries' independence and sovereignty.

1) Legal and Political Problems of Territorial Disputes

To begin with it seems useful to provide some background material on the political and legal problems and arguments which every study on territorial conflicts must take into consideration. Yet in such an approach one must make allowance for two difficulties arising immediately. Firstly, a distinction between legal and political arguments, as Akhurst points out, is not easy to achieve because they are often used side by side and thereby hard to distinguish.¹ Secondly, the absence of binding rules of international law that can be applied for solution and the fact that every dispute has its own history and background gives every conflict its uniqueness and makes comparisons a difficult enterprise.²

1. Michael B. Akhurst, A Modern Introduction to International Law, London, 1970, p.194

162. M. Manigat, op.cit., p.401.

CHAPTER III

THE ORGANIZATION OF AFRICAN UNITY
AND AFRICAN TERRITORIAL DISPUTES

This chapter focuses on an analysis of the two major boundary disputes the OAU has been involved in so far. The main purpose of this study will be to illustrate by means of two case studies the general problems the OAU is facing as a peacemaker in territorial disputes.

1) Legal and Political Problems of Territorial Disputes

To begin with it seems useful to provide some background material on the political and legal problems and arguments which every study on territorial conflicts must take into consideration. Yet in such an approach one must make allowance for two difficulties arising immediately. Firstly, a distinction between legal and political arguments, as Akehurst points out, is not easy to achieve because they are often used side by side and thereby hard to distinguish.¹ Secondly, the absence of binding rules of international law that can be applied for solution and the fact that every dispute has its own history and background gives every conflict its uniqueness and makes comparisons a difficult enterprise.²

1. Michael B. Akehurst, A Modern Introduction to International Law, London, 1970, p.194

2. Carl Gösta Widstrand, "Some African Boundary Problems; A Discussion", in: C.G. Widstrand, (ed.), op.cit., p.168

Having said this, I do not attempt in the first paragraph to do more than examine some principles and terms that crop up in the discussion about border conflicts.

Perhaps the most important single cause of war between states in the past two or three centuries is rooted in disputes over territory.³ A factor that aggravates the problems is that there is no such thing as a 'natural' boundary.⁴ The qualifying adjectives 'artificial' or 'unnatural' applied to existing borders have bedevilled the discussion about boundaries. Although there is nothing inherently 'natural' or 'unnatural' about the geographic limits given to political entities these terms have become part of the "rhetoric of territorial revisionism".⁵

The criteria for classification of boundaries as 'natural' developed in the seventeenth and eighteenth centuries when a doctrine of natural borders came about maintaining "that a nation's territory should extend to a designated river, mountain, lake, desert or some other natural barrier to population movement."⁶

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3. Evan Luard (ed.), The International Regulation of Frontier Disputes, London, 1970, p.7
 4. "The expression 'natural boundary' has too many connotations, gives incorrect associations and has a far too variable content and significance during different periods. Since every boundary divides people and not geographic units, all boundaries must in one sense be considered artificial." Sven Tägil, "The Study of Boundaries and Boundary Disputes", in C.G. Widstrand, op.cit., p.24.
 5. Ravi L. Kapil, "On the Conflict Potential of Inherited Boundaries in Africa," in: World Politics, vol.18, no.4, July 1966, p.659
 6. A.O. Cukwurah, The Settlement of Boundary Disputes in International Law, Manchester, 1967, p.16

Those frontiers which do not fulfill these conditions can be classified as 'unnatural' or 'conventional'. This group includes "conventional lines upon the earth's surface, parallels of latitude, meridians of longitude, straight lines between fixed points and boundaries defined by reference of existing provincial, tribal or local government boundaries..."⁷ Terminological difficulties loom large, especially as far as international law is concerned.⁸ However, the key problem is the "adaptation of boundaries to the factors of human occupation and use of the earth and to the development of different cultures and customs."⁹ As Kapil sees it, it is the conflict which is created when boundaries are imposed without due consideration of "the interactions of the sociocultural system on the one hand and the political system on the other."¹⁰

Self-Determination

Another unsurmountable difficulty lies in the fact that claims for the same territory can often be based on different but equally valuable criteria.¹¹

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7. Ibid., p.16
 8. Ibid., pp.16-26 for further details.
 9. Ibid., p.25
 10. R.L. Kapil, op.cit., p.658. This is the basic problem bedevilling Africa's territorial disputes as will be seen below.
 11. E. Luard, op.cit., p.14. He names the example of Alsace-Lorraine. It could be claimed by France on the basis of culture, and by Germany on the basis of language.

That leads us straight into the discussion of the one principle most frequently invoked to justify boundary changes and that is self-determination. It was widely used after the First World War in Europe as a justification to change borders in Eastern Europe in order to make them conform as closely as possible to ethnic realities. In this respect the otherwise heavily criticised Versailles Peace Treaties of 1919 allowed for territorial adjustments in Europe that came to be the "nearest approach ever achieved to demarcating the boundaries of States in accordance with the principle of self-determination."¹²

However, even without going into historical details it can be said that the realization of this policy was far from being perfect. Whatever the specific impediments in each case might have been the reason for the failure can be easily pinned down to two major difficulties. For one thing, the principle of self-determination - simple and clear-cut as it seems to be at first sight - defies an unequivocal legal, political or socio-cultural definition which would rule out any misconceptions. In Emerson's words: "The principle of self-determination derives from a familiar set of doctrines, whose apparent simplicity conceals a multitude of complications."¹³

12. D.J.L. Brown, op.cit., p.89

13. Rupert Emerson and Martin Kilson, The Political Awakening of Africa, (ed.) Englewood Cliffs, N.J. 1965, p.297

I cannot give an exhaustive catalogue of the problems involved because that would require an elaborate thesis in its own right. If it is agreed with Emerson that "self-determination constitutes formal recognition of the principle that nation and state should coincide..."¹⁴ - which it does not in most cases in Africa and elsewhere - the old problems of definition of nationhood which were dealt with in the first chapter arise again. The application of the principle of self-determination is only possible if it could be decided who the entity is that forms the 'self'. This is as will be seen later a task open to disagreement in the African context.

Taking the discussion back to those major difficulties involved in the implementation of the principle of self-determination, it can be stated that it is so vague a concept that there is little question of any positive legal content.¹⁵ Self-determination is not a right which found or finds place in international law.¹⁶ That is to say, although it was incorporated in the UN Charter as a principle which should guide international policies, it cannot be an incontestable principle on which to base unequivocal rights fought for in international law courts. One must distinguish between 'self-determination' as a political maxim and as a legal axiom.

14. Ibid., p.299

15. B.V.A. Röling, op.cit., p.78

16. R. Emerson and M. Kilson, op.cit., p.303

The fact that international law is foremost law of and between states and therefore must accept the state implies that only such rules as the nature of the state and the strengthening of the status quo will allow are likely to become part of its code. The principle of self-determination proved to be anti status quo in the bulk of cases.

In 1920 a Committee of Jurists appointed by the Council of the League of Nations reported that self-determination was not recognized by positive international law. They argued: "In the absence of express provisions in international treaties, the right of disposing of natural territory is essentially an attribute of the sovereignty of every state."¹⁷ To grant the right of withdrawal from a given territory by minority groups seemed to uphold a theory incompatible with the very idea of the state as a territorial entity.¹⁸

After the Second World War it was admitted that the principle of self-determination of peoples should underlie international law and politics. The way in which the principle of self-determination was invoked in various UN resolutions points out that most states accept that self-determination has become an international right.¹⁹

17. Quoted in: A. Mazrui, op.cit., p.10

18. Report of a League of Nation Commission, 1921, see ibid., p.9

19. A.C. McEwen, International Boundaries of East Africa, Oxford, 1971

But the concept was given a specific interpretation. The definition which would make the idea of self-determination a worthwhile principle, namely that the people "should be able to choose whether to remain under the government of a state controlled by persons of another culture, or to establish home rule, or to assume complete independence, or even to have their territory merged with another state",²⁰ was regarded as too extensive an interpretation. The application of the principle was narrowed. Self-determination came to be the equivalent for 'independence'. "Sovereignty was always given within existing boundaries, however illogical, from an ethnic or linguistic point of view, these might be, and however much they might conflict with self-determination in the normal sense."²¹ The UN Charter (article I,2) which emphasizes the right of self-determination as a political right and one of the bases of friendly relations between nations sees it mainly as a right to fight a government - if necessary with force - which is oppressive or colonial.²²

20. D.J.L. Brown, op.cit., p.160

21. E. Luard, op.cit., p.14

22. See K. Skubiszewski, "Use of Force by States. Collective Security. Law of War and Neutrality", in: M. Sørensen, op.cit., p.771
"Despite the appearance of the principle of self-determination in the Charter, however, there were grave doubts as to whether it represented anything more than a mere exhortation, or whether it possessed a legally binding content." A.C. McEwen, op.cit., p.32

In order to avoid UN rulings on non-self-governing territories, Portugal made her colonies in Africa part of Portugal calling them 'Overseas Provinces' in 1951.²³ She denied that Angola, Mozambique and Guiné are under colonial status. Even if the UN would accept the Portuguese interpretation, the principle of self-determination would still remain valid as a maxim to fight an oppressive regime. However, the fact is that the UN refused to accept Portugal's ruling and in 1960 called for devolution of independence for the Portuguese colonies.²⁴ Once independence in a given territory is reached the majority of countries are interested in preserving the territorial status quo, not in allowing changes in frontiers which might grant the right of self-determination in the sense applied in Europe after the First World War. Nevertheless, there are countries interested in annexing other people's countries as well. Africa holds examples. These incomplete remarks on self-determination must suffice for the moment; I will come back to it later on in this chapter.

23. Patricia Wohlgemuth, "The Portuguese Territories and the United Nations", in: International Conciliation, No. 545, November 1963, p.9

24. Ibid., pp.12-13

Terminological Problems

In the foregoing discussion, terms like boundary, border, frontier, demarcation and delimitation were used more or less indiscriminately. It seems to be helpful for any further discussion to give some definitions which these terms have acquired in the literature on boundary conflicts. Although the words 'boundary' and 'frontier' are often applied as though they are synonymous, a fundamental distinction took shape in the discussion about these terms. Whereas a frontier means a zone or region having width as well as length, a boundary denotes a line.²⁵ "In effect, a boundary girds a frontier and, more often than not, it is the expansion of a frontier owing to pressure from within which, so frequently renders a boundary necessary."²⁶ In the contemporary international system frontiers have become obsolete while boundaries "are the prevailing fashion and are sanctioned by current notions of political legitimacy internationally as well as encouraged by modern communications and techniques of map-making."²⁷

25. A.O. Cukwurah, op.cit., p.11; also Peter Lyon, "Regional Organization and Frontier Disputes", in: E. Luard, op.cit., p.111. In my case studies I will use the term border as a synonym for boundary and territory as a synonym for frontier.

26. A.O. Cukwurah, op.cit., p.11

27. P. Lyon, op.cit., p.112

The terms of 'delimitation' and 'demarcation' concern the two main processes in boundary-making. Delimitation describes the diplomatic process of determining a boundary line in a treaty. Once the mutual agreement on the border line is reached, it becomes necessary to fix its position on the ground by such means as marking posts or pillars. This is referred to in the literature as the process of demarcation.²⁸ The delimitation of boundaries between states is a visible act of recognition of each others sovereignty on either side of the border. The concept of sovereignty is thus closely tied up with international boundaries. However, international law does not indicate that the complete and final delimitation of its borders is a prerequisite for the recognition of the sovereign existence of a new state.²⁹ "Inasmuch as the boundary of a state is prima facie evidence of the limits of its sovereignty, a fixed boundary will be relevant to the status of a state only as a corollary to its territorial sovereignty. The delimitation of international boundaries is itself an act of sovereignty."³⁰ The close relationship existing between sovereignty and territorial questions make states assert frequently "that we must strengthen our borders".³¹

28. Ibid., p.112 and A.O. Cukwurah, op.cit., p.27/28

29. A.O. Cukwurah, op.cit., p.30

30. Ibid., p.31

31. Ibid., p.90

The international community of states made it clear in article II,4 of the UN Charter that it regards any deliberate attempt to change the existing territorial make-up in this world of nation-states as a threat to international security.

State Succession and the Principle of uti possidetis

It seems useful to conclude this paragraph on general features concerning boundary problems with a few remarks on state succession and the principle of uti possidetis since in the African context nearly all boundaries are colonial inherited ones. The change from colonial status to independence brought with it a change of subject of international law. The independent African state succeeded the colonial power. What implication does such a succession have as far as boundary problems are concerned? How far is the successor state bound by treaties ratified by the former mother country? Generally speaking, a party is not bound to perform a treaty in the case of a fundamental change of circumstances since the conclusion of the original treaty. In order to make evasion of inconvenient treaty obligations more difficult the Vienna Convention on Diplomatic Relations in article 62 stipulates that "2. A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from the treaty. a) if the treaty established a boundary."³²

32. Quoted in M.B. Akehurst, op.cit., p.179. See also, James E.S. Fawcett, The Law of Nations, London, 1968, pp. 57-58: "Where title to territory even of a whole

The problem that is involved in the state succession or more appropriately speaking in the African context by state evolution in the process of de-colonization is often tackled in 'devolution agreements'. By this device not only constitutional rights and obligations are transferred to the new state but also international rights and obligations previously subsisting between the metropolitan powers and third states or other bodies.³³ While France concluded devolution agreements with her former colonies in Africa³⁴ Great Britain did not do so in all cases. It is particularly interesting that no such agreement exists between Britain and former British Somaliland.³⁵ The Somalis were reluctant to bind their hands in any legal way as far as the acceptance of their borders was concerned. The case study in this chapter will elucidate some of the reasons.

The working of devolution agreements where they were concluded was not met with success. Some countries confined the application of the agreement by statements

country has been acquired.... by grant of independence the extent of the territory acquired and the date and terms of its acquisition are usually so precisely known that no dispute can arise, though it must not be forgotten that such a transfer of title to territory will carry with it any adverse claim with which the territory was already burdened."

33. Nkambo Mugerva, "Subjects of International Law", in: M. Sørensen, op.cit., p.300

34. Ibid., p.300

35. Ibid., p.301

made after attainment of independence.³⁶ All in all it seems that recourse to provisions of international law fails to clarify the problems with which a new state is confronted. International law might help to sort out the problems of state succession but it is incapable of settling subsequent disputes which arise over boundary questions. Ultimately the revision of boundaries is a political issue. The outcome of negotiations concerning territorial disputes depends among other things upon the readiness of the opponents to find a compromise. Valuable legal provisions can surely ease the process of getting over obstacles but they cannot impel the parties to come to a successful settlement.

Nevertheless, some general rules have been established in theory and by state practice as far as boundary treaties are concerned. After ratification the treaty "becomes executed and thereafter operates as a kind of conveyance."³⁷ A successor state therefore adopts the boundaries of its territory rather than the treaty itself.³⁸ Boundary agreements are not "ordinary contractual arrangements" but "create an objective judicial situation." No provision

36. Ibid., pp.301-303

37. A.O. Cukwurah, op.cit., pp.104-106: see also A.C. McEwen, op.cit., p.19: "... boundary treaties pass from contract to conveyance, and the transaction is unaffected by the fact that the original parties have changed."

38. A.P. Lester, "State Succession to Treaties in the Commonwealth", in: International and Comparative Law Quarterly, vol.12, April 1963, p.492

of international law or international policy-making hinders any independent state to enter into negotiations with the objective to modify its borders. However, "the fact remains that at the 'critical date' of independence neither of the new states was in any doubt that her domains were the same as they stood in the hands of the parent country."³⁹

The mentioning of the 'critical date' in the foregoing quotation leads on to one last principle which deserves to be considered as "akin to, if not a prolongation of the concept of State Succession, namely 'uti possidetis'."⁴⁰ This concept of Roman law, uti possidetis, ita possideatis means "as you possess, so you may possess."⁴¹ It was applied in Latin America in the nineteenth century during the liberation of the former Spanish colonies stating that the boundaries between Latin American states should correspond to the administrative borders which existed in the Spanish Empire. The adherence to that principle although it did not entirely exclude the eruption of disputes helped to limit their scope.⁴² As will be seen this doctrine was not without influence on the African politicians when it came to the formulation of general principles which were to determine their attitudes towards their inherited

39. A.O. Cukwurah, op.cit., p.108

40. Ibid., p.112

41. P. Lyon, op.cit., p.122

42. Ibid., pp.122-123

boundaries.

2) African Views on Territorial Problems

After this introduction to general problems involved in any discussion of territorial disputes, I will examine briefly some of the ideas of Africa's politicians in regard to boundary conflicts in statements and the Charter of the OAU. As far as possible something will be said about the relationship between regional organizations and the settlement of frontier and boundary disputes.⁴³

Provisions of the OAU Charter and Resolutions

The main conclusion we have drawn in analysing the Charter of the OAU and its organs was that they essentially provide for an association of independent states. Although constant lip-service is paid to the final goal of reaching continental unity, the OAU strengthens the status quo. This attitude must have repercussions for the mode of thinking concerning African boundaries and territorial questions. In this respect the Addis Ababa Conference with its statements on border problems was a visible turning point in the attitude towards the legitimacy of inherited boundaries. The widespread rejection of colonial borders gave way gradually to the almost complete acceptance of the existing division lines as part of the colonial heritage by nearly all the new states. Once

43. "There is a considerable literature about frontiers and about regional organizations considered separately, but very little which is concerned with their mutual interaction." See P. Lyon, op.cit., p.136 footnote

African nationalism ceased to be mainly anticolonial in its outlook, the briefly held ideal of eliminating all boundaries was no longer perceived as desirable or feasible to put into reality for that matter.⁴⁴ The borders of African states, on the day of their independence, constituted a tangible reality. "... Une fois l'indépendance étatique acquise, les anciens postulats anticolonialistes s'avérèrent inapplicables."⁴⁵

The postulate that 'Balkanized' Africa should abolish her arbitrarily imposed borders was contained in a strongly worded resolution of the AAPC in Accra 1958, this being probably the most publicized rejection.⁴⁶ The resolution states inter alia that the AAPC

"a) denounces artificial frontiers drawn by imperialist powers to divide the peoples of Africa, particularly those which cut across ethnic groups and divide people of the same stock; b) calls for the abolition or adjustment of such frontiers at an early date, and c) calls upon Independent States of Africa to support permanent solution to this problem founded upon the true wishes of the people."⁴⁷

44. J. Woronoff, op.cit., p.625 and Christopher M. Mulei, "The African Boundary Disputes, the OAU and International Law", in: East Africa Journal, vol.VII, No. 10, Oct. 1970, p.28

45. Romain Yakemtchouk, "Les Frontières Africaines", in: Revue Générale de Droit International Public, vol.74, No. 1, 1970, p.51

46. Saadia Touval, "The OAU and African Borders", in: International Organization, vol.XXI, No. 1, Winter 1967, p.102

47. re-printed in C. Legum, op.cit., p.231

49. T.O. Elias, "The Charter of the OAU", 1963, p.245

In the light of what has been said earlier in this chapter, it is not without significance to underline that it was a People's Conference with the bulk of the delegates representing organizations rather than states. They were less concerned with the sovereign existence of the state and of the state system as inherited by the colonial parent countries. Whether this call for adjustment was ever meant to be serious is doubtful, because the AAPC-resolution has not been repeated at later conferences. That is to say other than AAPC-Conferences, because the Tunis-Conference 1960 saw a repetition of the statements concerning border adjustments made in Accra.⁴⁸

Looking at the Charter and the speeches delivered at Addis Ababa and ensuing meetings, no such commitment to the alteration of borders as given at the AAPC-Conference re-occurs. At Addis Ababa there was awareness amongst the leaders that frontier and boundary disputes could endanger the peace they sought.⁴⁹ How could it have been otherwise? After all the absence of King Hassan II of Morocco from the conference and the address of the Somalian President, who gave reference to the territorial disputes of his country with Kenya and Ethiopia, thus provoking a sharp reply from Ethiopia's

48. Ibid., p.231

49. T.O. Elias, "The Charter of the OAU", op.cit. p.249

Prime Minister, helped to remind the leaders present that those conflicts would loom large in further relations among the independent African states.⁵⁰ Somalia's President, Abdullah Osman declared:

"It has been suggested by some that any attempt to adjust existing boundary arrangements would aggravate rather than ease the situation, and for that reason matters should remain as they are. We do not subscribe to that view for several reasons. It would amount to us condoning actions and policies which we know very well are wrong. .. It would show that we are shortsighted to think that African Unity can be achieved by side-tracking the contentious issues that are the realities of the African scene. .. The Somali Government, therefore, must press for self-determination for the inhabitants of the Somali areas adjacent to the Somali Republic."⁵¹

That Osman expressed views not shared by the vast majority of the leaders present was made clear in Houphoët-Boigny's (chairman) remarks of regret that a territorial dispute should have been mentioned in open meeting.⁵² Modibo Keita's declaration was more in keeping with the majority view:

"Si vraiment nous sommes les uns et les autres animés de la volonté ardente de faire l'unité africaine il faut que nous renoncions aux prétentions territoriales si nous ne voulons pas instaurer en Afrique ce qu'on pourrait appeler L'impérialisme noire, l'unité africaine

50. S. Touval, "The OAU and African Borders", op.cit., p.103

51. Reprinted in Catherine Hoskyns, Case Studies in African Diplomacy: II, "The Ethiopia-Somali-Kenya Dispute 1960-67", Dar es Salaam, Nairobi, Addis Ababa, 1969, pp. 32-33

52. Keessing's Contemporary Archives, vol.XIV, 1963-64, p.19465

exige de chacun de nous le respect intégral de l'héritage que nous avons reçu du système colonial, c'est-à-dire le maintien des frontières actuelles de nos Etats respectifs".⁵³

Although Keita and other speakers adhered to the principles of uti possidetis in their speeches, we must wait until the first Conference of Heads of State and Government in Cairo in 1964 for an authentic interpretation of article III,3 of the OAU Charter as far as border conflicts are concerned. No direct allusions to the principle of uti possidetis are included in the Charter or any of the adopted resolutions of the Addis Ababa summit meeting. The chief reason why that was the case is that "it was felt that opinions on the subject were too sharply divided. As the participants of the conference regarded the adoption of the Charter as their prime objective, nothing was done which could have prevented its unanimous approval."⁵⁴

The resolution on Border Disputes adopted in 1964 stipulates that the Assembly: "Solemnly declares that all Member States pledge themselves to respect the frontiers existing on their achievement of national independence."⁵⁵ This is not only a clear indication that Africa's leaders have agreed on the principle of uti possidetis with the day

53. B. Boutros-Ghali, L'OUA, op.cit., p.49

54. S. Touval, "The OAU and African Borders", op.cit., p.104

55. Reprinted in: Ian Brownlie, Basic Documents on African Affairs, Oxford, 1971, p.361

of attainment of independence as the 'critical date' but also that "the search for a legitimising principle to consolidate the existence of African States, converged in the legitimation of the status quo." ⁵⁶ The solemn declarations of adherence to the uti possidetis principle has not impeded the leaders from maintaining individual claims for border revisions whenever such a claim could be met with success. ⁵⁷

However, the impact of the resolution was hampered by three basic factors. One was that Somalia - the country which strongly resisted the uti possidetis doctrine - in a formal communication dated from July 24, 1964 made it publicly known that she disagreed with the interpretation of article III,3 of the OAU Charter given in the resolution. ⁵⁸ Morocco had made it known that she attached to her signature of the Charter no recognition of the existing boundaries. Her adherence "ne saurait aucunement être interprétée comme une reconnaissance expresse ou implicite des faits accomplis jusqu'ici refusés comme tels..." ⁵⁹

The two other weaknesses were inherent in the text of the resolution. Firstly, the resolution cannot be applied to demarcation problems and it is doubtful whether or not the resolution is relevant to border disputes which

56. Z. Cervenka, op.cit., p.94

57. See the long list of border incidents given by H. Strauch, "L'OUA et les Conflits Frontaliers", in: Revue Française d'Etudes Politiques Africaines, no.22, October 1967, pp.67-73

58. B. Boutros-Ghali, L'OUA, op.cit., p.52

59. M. Manigat, op.cit., p.389 footnote

existed before the colonial intervention. For example Ethiopia, Morocco and Liberia could claim additional territory which they had possessed in the pre-colonial era.⁶⁰ Secondly, no reference whatsoever is made to the principle of self-determination. "A logical corollary of the resolution would be that attempts to change the status quo by groups claiming the right of self-determination are to be rejected."⁶¹

Self-Determination in the African Context

It seems appropriate at this point of this analysis to pick up the thread of discussion about the principle of self-determination and have a closer look at its ambiguity in the African context. It is apparently the most illuminating single problem in any discussion of border issues in Africa. It is not necessary to repeat the history of the partitioning of Africa among the European colonial powers who did not consider African grievances although borders were not drawn in complete disregard of African realities as Touval points out in one of her articles.⁶² I am more concerned with the question of why

60. S. Touval, "The OAU and African Boundaries", op.cit., p.125

61. Ibid., p.125. Touval mentions an interesting communiqué issued by Haile Selassie and Nehru in 1965 in the context of the Kashmir dispute which says inter alia that "the principle of self-determination should apply only to colonial territories which have not yet attained independence and not to parts of sovereign or independent states." Ibid., p.125 footnote

62. This is a controversial point on which scholars disagree. As will be seen later in this chapter, some African rulers - such as Menlik II of Ethiopia - played an active role in border delimitations.

contemporary leaders in Africa in a great majority accept borders as they are. What prevents them from making adjustments when it is so apparent "that their present location does not represent the territorial culmination of locally generated political processes"?⁶³

Generally speaking the uneasiness felt about the doctrine of self-determination in Africa stems from the factor which influences attitudes towards so many other problems in this continent: the lack of achievement of internal stability and cohesion inside the individual states. It only seems natural that the little internal unity that they did manage to reach should not be put in jeopardy by any changes in the territorial make-up following an invocation of the principle of self-determination. Certainly it would be idle to expect African leaders to consider that some kind of stability inside the state might be easier to achieve if they would allow an 'irredentist' minority to form its own separate sovereignty by adjusting the borders.

Is it legitimate to talk about a "new attitude of African states towards the concept of self-determination"?⁶⁴ It has been repeatedly stated that a sense of 'nationhood' is still embryonic in a majority of African states.⁶⁵

63. R.L. Kapil, op.cit., p.659; Saadia Touval, "Treaties, Borders and the Partition of Africa", in: Journal of African History, vol.VII, no.2, 1960, pp.279-292

64. C.M. Mulei, op.cit., p.28

65. Saadia Touval, "The Sources of Status Quo and Irredentist Policies", in: C.G. Widstrand, op.cit., pp.102-103

Those political leaders who have adhered to the status quo attitude associated the 'self' with the state and the state was defined by its inherited boundaries.⁶⁶ In some cases the gain of adjacent regions and tribes which would increase the weight of a tribal group inside a country might upset the tribal balance just as much as the breaking away of a group and a territory. The gain of territory could thus be a rather mixed blessing for the country's ruling tribal group or groups. These attitudes are the somewhat logical consequence of many leaders' interpretation of 'self-determination'. In Africa most nationalists chose to view the right of self-determination as applicable to the colonial territories as a whole within the given boundaries. "Once such a people has come to independence, no residual right of self-determination remains with any group within it or cutting across its frontiers."⁶⁷ Africa could not follow 'Versailles'. It would have meant the breakdown of the territorial make-up of the continent. Africa did not allow for ethnic self-determination but rather for 'pigmentational' self-determination.⁶⁸ The fight for independence was directed against the white overlords. The identity amongst the Africans was a racial rather than an ethnic one.

66. Ibid., p.105

67. Rupert Emerson, cited in: C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.7

68. A. Mazrui, op.cit., p.14

The main conclusion that comes to mind after the discussion of some aspects of the principle of self-determination is that no formula which could cover its interpretation or establish ground-rules for its application can be found. To base a claim on this principle still holds strong emotional impact. Invoking it may even be of great political consequence as the example of 'Biafra' demonstrated, but its legal implications are almost nil. The interpretations and connotations given to the doctrine must be looked at in the context of a given time, place and circumstance.⁶⁹ However, in discussing problems in relation to territorial questions one should be careful not to interpret them on 'tribalist' grounds alone. In many cases, it is convenient to invoke the dangers of 'tribalism' in order to veil the real issues at stake. 'Tribalism' is a dirty word in African politics. The real bones of contention are very often political and economic interests.

69. See E. Lofoli, "Le Principe de l'Autodétermination des Peuples et des Nations et son Application en Afrique", in: Etudes Congolaises, vol.XII, no. 3, July-Sept. 1969, p.35. "La plupart des membres de l'ONU ont été d'accord que premièrement le droit de l'autodétermination est universel, que deuxièmement le mot 'peuple' signifie la population dans tous les pays et territoires, indépendants, sous tutelle ou non autonomes et que, troisièmement, il faut comprendre ce terme dans le sens le plus général et qu'il n'y a aucune nécessité d'en donner une définition précise, car les questions concernant l'autodétermination doivent être tranchées concrètement dans chaque cas pris à part."

The OAU and Territorial Problems

There are three main factors which make it a challenge to search for some institutional devices which could ease occurring boundary troubles:

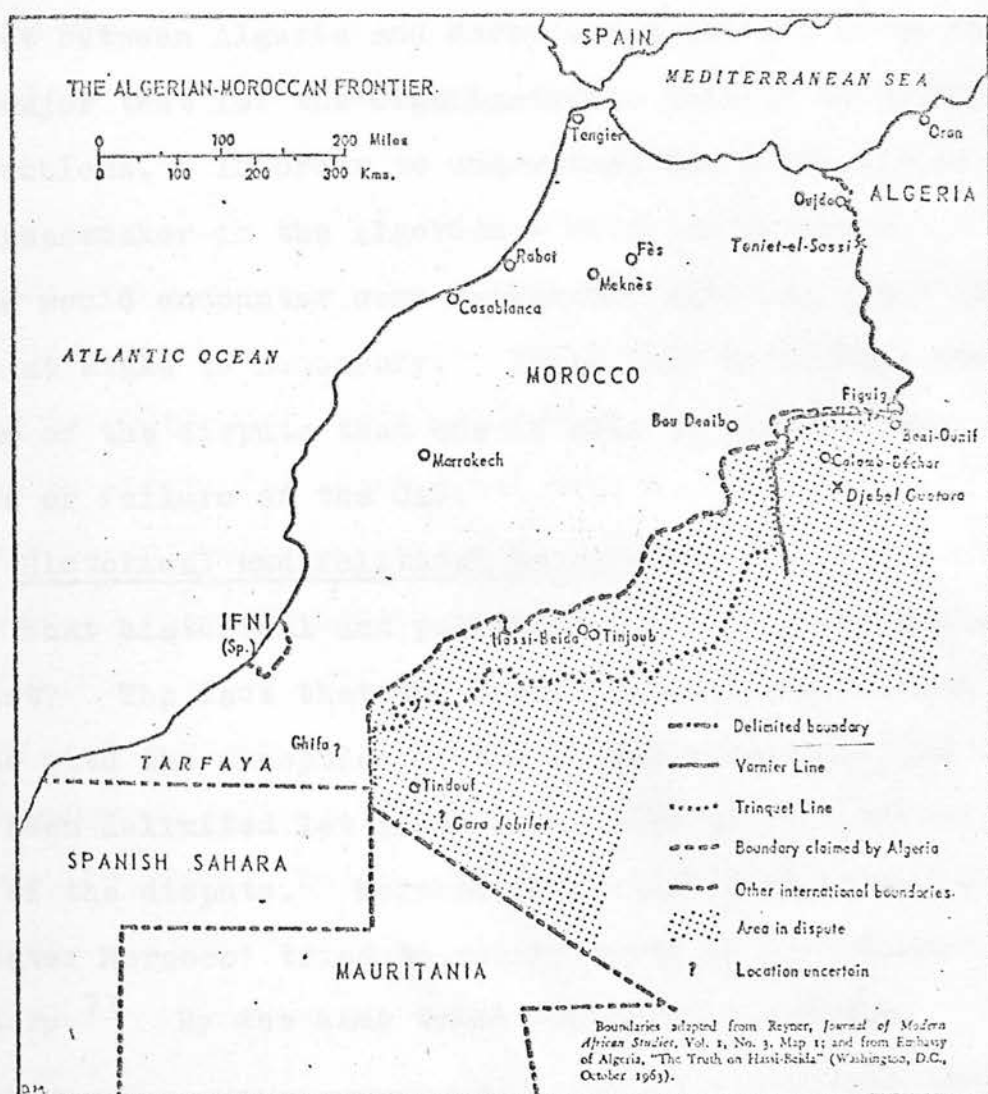
- 1) the complicated problems involved in any territorial dispute
- 2) the absence of clear-cut legal or political principles which could be applied without provoking heated debates of whether or not a specific principle is applicable in the case under dispute and
- 3) the incompatibility existing between the status quo attitude and the revisionist approach to inherited boundaries in Africa.

To put it in more straightforward terms: What use can a regional organization be for the settlement of boundary conflicts? It is impossible to provide an answer to so general a question. As Lyon points out: "... the relevance or irrelevance of regional organizations to any particular boundary dispute obviously can only be at all adequately seen in relation to the particular facts of the particular dispute."⁷⁰ In the African context, however, some general statements can be made. As long as every independent African state is a member of the OAU, all boundary disputes between these entities can be dealt with in its framework. The second chapter of this paper shows that the OAU - although its institutional set-up might

70. P. Lyon, op.cit., p.110

not be without shortcomings and loopholes - is designed by its founding fathers and by the role given to it as a regional organization in the wider frame of the UN to cope with disputes arising amongst its membership. One effect of the existence of the OAU not to be brushed aside is its possible restraining influence.⁷¹ If the OAU could really achieve its primary goal, namely to promote co-operation and an increasing degree of unity among African states, it might help to reduce the actual and potential significance of boundaries as division lines between political entities and thereby lessen the explosiveness of territorial controversies. Given the frequently mentioned sovereignty of the independent states, no force can compel parties to refer any dispute - territorial or other - to the regional organization. Even if this is done, the influence the organization can exert upon the disputants is limited by the lack of coercion which is at the disposal of the organization. A final assessment of the role of the OAU will be given after the case studies have provided us with empirical material. However, until full access to all the records and documents is possible any comparative analysis of the OAU's handling of the two conflicts discussed in the next part of this chapter remains necessarily provisional and open to revision in the light of further evidence.

71. S. Touval, "The OAU and African Borders", op.cit., p.126



3) The Algerian - Moroccan Territorial Conflict

It was only a few months after the foundation of the OAU that it had to deal with the first serious territorial dispute at a time when its institutional apparatus was not yet fully set up.⁷² In a sense the conflict between Algeria and Morocco can be said to be the first major test for the Organization's ability to tackle such problems. In order to understand the difficulties every peacemaker in the Algerian - Moroccan frontier dispute would encounter some background material about the issues at stake is necessary. It is only by knowing the origins of the dispute that one is able to measure the success or failure of the OAU.

Historical and Political Background

What historical and political facts lay behind the conflict? The fact that the border between Algeria and Morocco with the exception of the northernmost part had never been delimited let alone demarcated was the direct cause of the dispute. Morocco referring to the idea of a 'Greater Morocco' tried to regain parts of her former territory.⁷³ By the same token the Moroccans denied

72. Above all the Commission of Mediation, Conciliation and Arbitration - the most appropriate organ to deal with such problems - was not established. Furthermore the conflict erupted at a time when both opponents had not yet ratified the Charter of the OAU. See: "Les Relations entre L'OUA et l'ONU", op.cit., p.51

73. The exact area claimed by Morocco is not clearly defined. See map for an indication of the area under dispute, **p. 162**

Mauritania the right of existence as an independent state⁷⁴ and claimed parts of the Sahara now being Algerian territory which this country refused to cede.

Prior to the French conquest of Algeria in 1830 North Africa did not know borders as fixed delimitation lines as we perceive them today. Furthermore, an "Algerian state in the European sense, or an Algerian consciousness" did not exist.⁷⁵ In those precolonial days a vast, ill-defined territory which included parts of Algeria, and all Mauritania was ruled in the name of the Sultans of Morocco.⁷⁶ This large area only knew natural barriers and traditional frontier zones. The arrival of the French saw a clash between Western and traditional religiously orientated concepts of such terms as 'nation', 'territory' and 'boundary'. Geographical and political factors did not enter into the Islamic concept of territory.⁷⁷ The Islamic rulers never felt it necessary to delimit their realms. "It was a community of believers (Umma), neither static nor exclusive, rather than a definite territory. Their neighbours were of

74. As will be remembered Morocco did not attend the Addis-Ababa Conference because it did not want to sit at the same conference-table with the representatives of a country whose sovereign existence they refused to recognize.

75. Alf A. Heggoy, "Colonial Origins of the Algerian-Moroccan Border Conflict of October 1963", in: African Studies Review, Vol.XIII, no.1, April 1970, p.17

76. J. Woronoff, op.cit., p.336

77. Patricia Berko Wild, "The Organization of African Unity and the Algerian-Moroccan Border Conflict", in: International Organization, Vol.XX, no.1, Winter 1966, p.19

similar origin, and of the same religion. They were all engaged in expanding dar al Islam, the world of Muslim faith..."⁷⁸ The community of Believers does not consent to the confinement of any boundary, especially not those which are imposed by non-Islamic powers, which impedes the expansion of the Dar al Islam (the House of Islam).⁷⁹

This was the background which the French colonialists encountered when they concluded a number of treaties concerning territorial questions with the sovereign Moroccan Government in order to delimit the division line between Morocco and Algeria.⁸⁰ In the Treaty of Lalla Marnia signed in 1845 between France and Morocco only the above mentioned northernmost boundary (approximately 100 miles) was defined in detail forming the division line between Morocco and Algeria from the Mediterranean coast to Teniet-el-Sassi.⁸¹ South and south-west from this point reaching the Sahara no territorial limit was established. The two sovereignties in this area were defined by reference to specific tribes which had their grazing grounds in this region, thus creating frontier zones instead of well

78. Anthony S. Reyner, "Morocco's International Boundaries: A Factual Background", in: Journal of Modern African Studies, Vol.I, no.3, 1963, pp.315-316

79. P.B. Wild, op.cit., p.19. As Zartman points out, "In a nomadic society such as that from which Muslim legal ideas spring, the notion of territory is subordinate to the concept of people." I.W. Zartman, "The Sahara - Bridge or Barrier?", in: International Conciliation, 1963, No.541, p.42

80. In this short outline we will only mention some of the treaties relevant for our understanding.

81. P.B. Wild, op.cit., p.19

designated border lines.⁸² When, in the course of the nineteenth century, French expansion in Algeria conflicted with tribes from Morocco there was an attempt to establish a better delimited frontier further south by means of various agreements.

In 1912 Morocco became a French protectorate. In the same year the so-called Varnier Line was unilaterally drawn by France establishing an administrative 'boundary' between Teniet-el-Sassi and the town of Figuig in Morocco. This line was never intended to be an international boundary. Another unilaterally created administrative delimitation was the Trinquet Line, 1934, which was drawn at the watershed of the Draa Valley. It is important to emphasize that Morocco has not been a party to any of the treaties which effected her territory directly.⁸³ These lines were drawn for administrative purposes. In the attitude of the French the Sahara was uninhabitable and thus made delimitation superfluous. Therefore no agreement resulted on the delimitation of the zone between the Hammada du Guir and the Spanish Sahara.⁸⁴

After 1912 the frontier question became merely one of the limits of the authority of the French administrations in the two territories. The inconsistency of official French maps helped to confuse the situation.⁸⁵ From what

82. A.S. Reyner, op.cit., p.316

83. A.A. Heggoy, op.cit., p.20

84. A.S. Reyner, op.cit., p.317

85. Ibid., p.316

has been said so far it would be tempting to lay the entire blame at France's door and describe the difficult territorial problems between Morocco and Algeria as a result of colonial policy of France. France did nothing to leave behind clearly defined international boundaries rather than administrative divisions. But as Heggoy rightly points out the situation with which France was confronted was complicated by the fact that unreconcilable concepts of Western and traditional Islamic law concerning territorial questions did exist.⁸⁶

When Morocco regained her independence in 1956 she had only partially defined borders. Nevertheless, France pledged herself in a Joint Declaration issued on March 2, 1956 "to respect, and to see to it that others respect, the integrity of Moroccan territory, as guaranteed by international treaties."⁸⁷ Attempts of a joint French-Moroccan commission to enter into negotiations in order to define borders were not met with success.⁸⁸ Morocco withdrew from the commission arguing that the only authority competent to deal with these questions concerning the Moroccan-Algerian border would be the Algerian Provisional Government (GPRA). Morocco approached the Algerians. However, "to avoid embarrassing the GPRA in the midst of the

86. A.A. Heggoy, op.cit., p.17

87. Text reprinted in: American Journal of International Law, vol.51, no.3, July 1957, p.676

88. See I.W. Zartman, International Relations in the New Africa, op.cit., p.110

struggle for independence, these demands were not made publicly."⁸⁹ Nevertheless, a secret agreement was concluded on July 6, 1961 between the GPRA represented by Ferhat Abbas and Morocco represented by King Hassan II. This agreement included Algeria's recognition that the cause of the territorial problem lay in France's arbitrary delineation. Furthermore Algeria agreed that "this problem will be resolved through negotiations between the Kingdom of Morocco and the Government of Independent Algeria."⁹⁰ When Algeria eventually gained independence this promise was not fulfilled. Algeria disputed any rights claimed by Morocco based on historic grounds. The Algerians maintained that they inherited all the territories of French colonial Algeria.⁹¹ They strictly denied the existence of any frontier problems.⁹²

The situation was further complicated by the fact that the regimes in Rabat and Algier drifted more and more apart ideologically.⁹³ The border problems led to a clash between two countries with different national interests. The discovery of mineral resources in the territories under dispute compounded the problem. The new prospect of wealth and industrialization made an ending of the hot dispute more urgent. As Zartman points out the causes

89. J. Woronoff, op.cit., p.336

90. J. Woronoff, op.cit., p.336

91. A.A. Heggoy, op.cit., p.17

92. J. Woronoff, op.cit., p.336

93. S. Chime, op.cit., p.68

for demands on neighbouring territories can be manifold. It is very difficult to prove the 'real' causes, in other words to distinguish between "public justifications" and "private motivations".⁹⁴

In the years after independence both Algeria and Morocco experienced internal tension. It has been widely contended in the literature that both regimes welcomed the territorial disputes as issues in which they could find scapegoats and try to divert the attention of their peoples from domestic grievances.⁹⁵ Algeria was in trouble because of the dissident Kabyles who threatened the unity of this country. Morocco's internal stability was not only bedevilled by those people who looked with much sympathy towards the Algerian radical policies in contrast to their own country's autocratic regime but also by claims from nationalist, irredentist groups like the Istiqlal Party of Allal al-Fassi. The King came under pressure. The breakdown of national solidarity which had been forged in the years of struggle for Morocco's independence left no other choice for Hassan II but to adopt the irredentist policy which "provided a simpler device for the purpose of blurring political differences and stimulating patriotic feelings."⁹⁶ Apart from

94. I. William Zartman, "The Foreign and Military Politics of African Boundary Problems", in: C.G. Widstrand, (ed.) op.cit., p.86

95. S. Chime, op.cit., p.69 and P.B. Wild, op.cit., pp.22-23

96. P.B. Wild, op.cit., p.22. Zartman sees the "sentimental attachment to irredentism" as the major theme in Morocco's African relations between 1958 and May 1963. I.W. Zartman, "The Politics of Boundaries in North and West Africa", in: Journal of Modern African Studies, vol.3, no.2, August 1965, p.164

domestic difficulties other motives for Morocco's demands were economic and strategic. The country was particularly interested in the area around Tindouf which was not only the centre of rich iron ore deposits but also a vital strategic point to control the route through to Mauritania.

The Search for a Peacemaker

Given all the above mentioned circumstances it did not require much to make the 'tinderbox' explode. Minor skirmishes occurred right after Algeria attained independence when both countries sent troops to occupy positions in the areas under dispute. Tension built up in August 1963 after both sides expelled nationals from the other country. Charges provoked countercharges. Moroccan spokesmen repeatedly alleged that Algerian troops had made incursions into Moroccan territory. The Algerian Government accused Morocco of massing forces on the border.

When bilateral attempts to come to a negotiated solution of the problem and to work out a troop withdrawal failed to achieve positive results an escalation of hostilities began which eventually led to fighting and threatened to develop into a full-scale war. On September 30, 1963 President Ben Bella faced with an uprising by the Kabyles against his regime alleged that Moroccan army units had been sent to the frontier area to support the Kabyles. He accused the Moroccan Government of making common cause with Algeria's internal rebels.⁹⁷

97. P.B. Wild, op.cit., p.24

A meeting between the Algerian and Moroccan Foreign Ministers in Oujda on October 5, 1963 remained without results. A normalization of relations between the two countries was not achieved. In the beginning of October both sides occupied and held posts each accusing the other army of military attacks. Large scale fighting broke out on October 14, 1963. Algeria declared that her territory had been invaded by a large force and announced general mobilization. Morocco sent more troops.⁹⁸ Both sides soon realized that they could not gain from protracting the war. It was after the breakdown of peace talks between Algeria and Morocco which took place on October 15-17, 1963 that both antagonists had to think of other channels and means to overcome the deadlock.

The questions at issue were about the form of peace negotiations, the possible participation and identity of mediators, and the venue of a conference. Morocco's preference was no doubt for direct negotiation with Algeria - an approach which was not surprising. The Moroccans saw their only chance of territorial gains in forcing Algeria into an agreement on Moroccan terms, provided that Morocco could operate from a superior military position.

Both parties were members of three international organizations whose principles of pacific settlement of disputes had been obviously violated by the outbreak of armed hostilities. For that matter any of the three

98. J. Woronoff, op.cit., p.337

organizations i.e. the Arab League, the UN and the OAU could be chosen as a forum for different but equally strong reasons.⁹⁹ Also, there was the possibility of mediation by third parties and individual African and Arab statesmen. The paramount questions are, what criteria influenced the choice of certain mediators and why were some mediation attempts more successful than others?

Let us first consider Morocco's position and argumentations. It has already been indicated that her first preference was that of bilateral negotiations with Algeria. The Arab League could not be Morocco's option as a mediator, since it was said to be biased against this country.¹⁰⁰ Being aware of her diplomatic and political isolation in Africa and rejecting the OAU's status quo attitude towards the territorial legacy of this continent, Morocco must have been reluctant, to say the least, to seek an OAU settlement of the dispute.¹⁰¹ Although Morocco had signed the OAU Charter on September 20, 1963 it will be recalled that she made it clear that this act could not be interpreted as a recognition of existing

99. B. Boutros-Ghali, L'OUA, op.cit., p.53. The articles in the respective charters of the three organizations advocating peaceful settlement are: article 5 of the Pact of the Arab League, articles 2 and 3 of the UN Charter and articles III and XIX of the OAU Charter.

100. P.B. Wild, op.cit., p.26

101. It could not have escaped Morocco's knowledge that "l'Algérie révolutionnaire et à peine sortie d'une longue guerre coloniale avait su canaliser à son profit tout un courant de sympathie de compréhension et même d'appuis agissants (en Afrique)." M. Manigat, op.cit., p.390

borders or a renunciation of her rights. It is thus not surprising that for these various reasons Morocco's choice was the UN. The Moroccans expected to encounter among the members of the UN and the Security Council an atmosphere less hostile to their cause than in the OAU. However, Morocco never got any further than lobbying at the UN and refrained from requesting officially a meeting of the Security Council. According to Wild and Manigat the main reason for this retreat was Morocco's failure to secure for herself the support of the United States and France.¹⁰² Both states hoped not to become involved in the conflict and both advocated a settlement within the African framework.¹⁰³ This must have been the ultimate reason why Morocco eventually consented, albeit reluctantly, to an 'African' solution of the problem.

All the facts which have been listed to explain Morocco's hesitation towards African mediation - especially OAU interference - encouraged Algeria to appeal to her African 'brothers' for help in a cause which she considered just.

"L'Algérie avait intérêt à maintenir le débat dans un cadre africain, en se retranchant derrière la toute nouvelle jurisprudence établie par l'OUA, qui gelait les frontières issues de la

102. Although the Security Council did not deal with the problem, the General Assembly debated the situation and U Thant offered his good office. J. Woronoff, op.cit., p.455

103. P.B. Wild, op.cit., p.28 and M. Manigat, op.cit., p.388

colonisation, tout en s'accordant le bénéfice moral de passer pour honorer l'esprit et la lettre de la Charte d'Addis Abéba." 104

This is why Algeria in a note of October 19, 1963 appealed to the OAU requesting an extraordinary meeting of the Council of Ministers.¹⁰⁵ Because of the failure to get Morocco's accord for OAU intervention in the conflict at that stage such a meeting could only take place at Addis Ababa on November 15-18, 1963.¹⁰⁶

In the meantime, following the "spirit of Addis Ababa", pacification - though no solution - had been achieved with the help of African politicians who offered their good offices. While mediation efforts by Bourguiba and Nasser¹⁰⁷ broke down because neither was acceptable to both parties, Haile Selassie's and Modibo Keita's exertions met with success. Haile Selassie who happened to be on a state visit to Morocco when the fighting broke out started his work as a mediator on the spot.¹⁰⁸ After Algeria's demand for an extraordinary meeting of the Council of Ministers the Emperor's hands were strengthened. He played a leading role in the OAU as his country was entrusted with the Provisional Secretariat. Haile Selassie could now continue his mediation assignment both in his personal capacity and also on behalf of the OAU.

104. M. Manigat, op.cit., p.390

105. J. Woronoff, op.cit., p.338

106. S. Touval, "The OAU and African Borders", op.cit., p.108

107. Egypt left no doubt that she was backing Algeria and apparently sent troops. J. Woronoff, op.cit., p.453

108. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.380

That the two warring parties eventually accepted the invitation to come to Bamako was due to the fact that both sides were satisfied with the choice of Haile Selassie and Keita as mediators. I do agree with Woronoff that they were both suited to the task. There was ideological affinity between the Mali and Algerian leader which moved Algeria to accept Keita's good office. Morocco's acceptance of Keita was encouraged by the fact that Mali was dissatisfied with her Saharan borders which made her leader a less stubborn believer in the principle of uti possidetis.¹⁰⁹ On the other hand, the Emperor opposed any redrawing of African boundaries and had rejected Somalia's claims which made him sympathetic to the Algerians while his conservatism made him suitable for the job in Morocco's eyes.¹¹⁰ Haile Selassie must have been especially interested to influence the outcome of a settlement which might set a favourable example as a precedent to other such disputes.

The Bamako Meeting and the First Extraordinary Session of the Council of Ministers

The Bamako meeting (October 29-30, 1963) provided the first indication that the African leaders were heading for an African settlement. In the short run the most

109. In February 1963 at a meeting between Modibo Keita of Mali and Moktar Ould Daddah of Mauritania an agreement was concluded about an exchange of territories. For some details see: I. William Zartman, "A Disputed Frontier is Settled", in: Africa Report, vol.8, no.8, August 1963, pp.13-14

110. J. Woronoff, op.cit., p.338

important agreement reached in Mali's capital was on a cease-fire beginning on November 2, 1963 which was to be followed by a gradual return to the status quo ante.

A demilitarized zone should be created, the limits of which should be determined by a commission of officers from Algeria, Morocco, Mali and Ethiopia with Malian and Ethiopian officers in charge of supervising the observance of the demilitarized agreement.¹¹¹

These above mentioned steps were to halt the war-like activities. The most important clause of the agreement was contained in paragraph 4 because it provided for some means to try and rule out any recurrence of fighting. It said that "an early meeting of the OAU Council of Ministers was requested in order to establish an arbitration commission which would be charged with a) ascertaining the responsibilities for the outbreak of hostilities and b) examining the border problem and admitting recommendations to Algeria and Morocco for the definite settlement of their dispute."¹¹² Both parties to the dispute had achieved something to go home with, although the result was more favourable for the Algerians. Algeria welcomed the withdrawal of troops to the lines of the status quo ante. Morocco found the dispute recognized as such and got the promise that there would be a search for a settlement. "The Emperor and Modibo Keita were eager to have the OAU intervene, possibly

111. S. Touval, "The OAU and African Borders", op.cit., p.107

112. Ibid., p.107

as a precedent for an African handling of other border disputes..."¹¹³ It remains to be seen whether their expectations were satisfied by the way the OAU handled this problem.

The Council of Ministers was convened in extraordinary session in Addis Ababa on November 15-18, 1963 to consider the Bamako cease-fire agreement. The ministers present must have been aware of the significance of their meeting; after all, it was the first serious task which the OAU had been given. The fact that the Commission of Mediation, Conciliation and Arbitration though planned in the Charter was not yet set up meant that the ministers had to start from scratch. They had no precedents from which to draw examples. Their guide lines in their task could only be general principles of the Charter and the provisions made in the Bamako agreement. It was not surprising that it took them three days to come out with a final resolution. What kind of commission should they set up? Accepting an arbitration commission would imply that the parties recognized from the start the binding nature on themselves of the arbitral judgement that would be delivered. Whatever form the commission would be given there was no guarantee that both parties would defer to its decision. Haile Selassie tried to create the right atmosphere when he expressed his satisfaction that thanks to the existence of the OAU an African conflict could now

113. J. Woronoff, op.cit., p.339

be resolved in an African framework.¹¹⁴ The discussions were held behind closed doors. The facts that have become known to the public about the procedures are important to note. The Bamako agreement was adopted as the sole basis of discussion. The foreign ministers thus complied with the Moroccan request to withdraw the letter of October 23, 1963 submitted by the Algerian Government, in which ~~they~~ ^{she} called for an OAU meeting, because it was superseded by the Bamako agreement.¹¹⁵

While the ministers and their representatives present reserved their opinions on the dispute, both parties involved reiterated their positions, and each accused the other side of aggression. Morocco stated that it had been put on record that she expressed reservations with respect to her territorial boundaries from the very day of her independence. The country, however, had agreed to postpone the solution of the problem until after Algeria's independence. Algeria had pledged herself in the Ferhat Abbas-Hassan II agreement of July 1961 to enter into direct negotiations with Morocco on that matter. Morocco furthermore contended that her claims were based on a number of treaties and emphasized the historical right over certain territories. Algeria was accused of having permitted intervention of a third country, i.e. Egypt.

114. P.B. Wild, op.cit., p.29

115. Ibid., p.29

The Algerian Foreign Minister, Mr. Bouteflika, replied for his country. He made Morocco responsible for all border incidents and found her guilty of expansionist adventures. He declared that the aims ran counter to the principles of international law sanctioned by the OAU. "To wish to impose unilaterally the least revision of the Algerian-Moroccan border is without doubt to create a precedent or an unfortunate jurisprudence for the future of many African states..."¹¹⁶ From all that has been said so far in this thesis considering the African attitude towards borders, the great majority in the Council must have endorsed Algeria's position. But as the delegates refrained from discussing the conflict their attitudes were not known officially.

The Council confined its task to the objectives assigned to them in the Bamako agreement. The results of the meeting were laid down in a resolution which "presents an admirable summary of the political and legal principles accepted by the Council in considering the Algerian-Moroccan case."¹¹⁷ The most important clause in the resolution with consequences for African settlement of disputes beyond this case affirmed "the imperative need of settling all differences between African states by peaceful means and within a strictly African framework." This principle is endowed with great significance by being repeated in another clause in the same resolution, which pledges African

116. Ibid., p.30

117. P.B. Wild, op.cit., p.30

states to find solutions to their differences by negotiations "within the framework of the principles and the institutions prescribed by the Charter of the OAU."¹¹⁸ This declaration is in tune with the prevailing conception of primacy of the OAU over the UN in matters concerning cases of breach of the peace in Africa.¹¹⁹

The OAU ad hoc Commission and the Cease-Fire Commission

The Council managed to set up some kind of commission whose status raises some questions. "Considering that the Commission of Mediation, Conciliation and Arbitration, provided for in article 10 of the Charter has not yet been set up; (the Council) decides therefore to create an ad hoc Commission provided for in article 4, of the joint Bamako Communiqué... The terms of reference of this ad hoc Commission... are those laid down in article 4, sub-paragraphs a) and b) of the joint Bamako Communiqué."¹²⁰ This reference to article 4 of the Bamako agreement and the stipulation that the Commission can establish its own rules of procedure and working methods in accordance with the principles of the OAU Charter and the Rules of Procedure of the Council of Ministers are the only guidelines given to the Commission by the Council. They did not make the task of this Commission any easier.

118. OAU Document, First Extraordinary Session of the Council of Ministers, Addis Ababa, November 15-18, 1963, ECFM, Resolution 1

119. M. Manigat, op.cit., p.388

120. OAU Document ECFM, Resolution 1. The following countries were members of the Commission: Ivory Coast, Ethiopia, Mali, Nigeria, Senegal, Sudan and Tanganyika.

Both the Bamako agreement in its paragraph 4 and the resolution adopted at the Addis Ababa Council meeting contained certain contradictions as far as the status of the Commission was concerned. The Bamako agreement calls for an 'arbitration commission'. By definition arbitration means that the parties accepting such a commission recognize from the start the binding nature on themselves of the arbitral sentence. On the other hand, article 4, paragraph b talks about admitting recommendations to Algeria and Morocco. This leaves the opponents with freedom to accept or reject the suggestions or proposals that the commission is going to put before them.

Unfortunately, I do not have access to the verbatim record of the Council's meeting. Thus it is difficult to find out what it really had in mind when it set up the ad hoc Commission. It must be assumed that the ministers were aware of the ambiguity of the status of the Commission as defined in the two aforementioned documents. Saying that the Commission can establish its own rules of procedure indicated that the Commission was entitled to use all resources i.e. mediation, conciliation and arbitration without having the power to enforce any ruling upon the opponents. Strauch contends that the discord is due to the fact that Algeria was prepared to accept an arbitral decision while Morocco would only agree upon mediation and conciliation.¹²¹ Both Woronoff and Borella believe that

121. H. Strauch, "L'OUA et les Conflits Frontaliers", op.cit., p.68

the Commission was not a body of arbitration.¹²² Such contentions must be looked at from a critical point of view. Reviewing the Commission's performance - unfortunately, there is very little descriptive material available - may provide us with some clues about how the Commission members interpreted the legal status of their body. The use of the Commission to effect a definite settlement of the dispute is also important in view of the then projected OAU Commission of Mediation, Conciliation and Arbitration. If the ad hoc Commission would be able to succeed it would have established a valuable precedent, "and a device which could possibly cope with the far more intractable problem that looms ahead - Somalia's boundaries."¹²³

With the help of the cease-fire commission an agreement was reached on February 20, 1964 defining the demilitarized zone with a consequent withdrawal of forces.¹²⁴ The cease-fire commission was not asked to supervise the cease-fire and in April 1964 it was dissolved at the request of both parties.¹²⁵

122. See J. Woronoff, op.cit., p.340. Borella writes that the Commission is "à la fois une commission d'enquête et de conciliation mais en aucune manière une commission d'arbitrage." "Le Régionalisme Africain en 1964", in: Annuaire Francais de Droit International, vol.X, 1964, p.629

123. West Africa, vol.47, no.2425, 23 November 1963, p.1314

124. S. Touval, "The OAU and African Borders", op.cit., p.108. This improvement was possible due to direct talks which had taken place at the Arab League meeting in Cairo in January 1964 between Ben Bella and King Hassan II. Although the Arab League did not become involved as mediator, its conference nevertheless provided a meeting ground for both antagonists.

125. J. Woronoff, op.cit., p.343

129. J. Woronoff, op.cit., p.344

On the road to reconciliation a further step was taken in April 1964 when prisoners were exchanged. This was followed in May by the exchange of ambassadors and an agreement between both governments to resume direct bargaining on various technical matters and projects of co-operation. "Such a course, if successful, could have circumvented the territorial dispute and rendered at least the economic causes of the dispute no longer relevant."¹²⁶ A year later the two Heads of State met again. This encounter did not bring about substantial decisions but nevertheless resulted in further détente between the two countries. After the overthrow of Ben Bella, the Boumedienne regime took a less conciliatory outlook. In May 1966 the conflict flared up again. Morocco accused Algeria of violating the cease-fire agreement.¹²⁷ She asked the old mediators, Keita and Haile Selassie, to intervene. "Whether thanks to the mediators' effort or to direct talks between the two parties the tension soon subsided."¹²⁸

But the problem of border delimitations remained. Boumedienne left no doubt that he was a hard-liner on this question insisting that Algeria's frontiers were not negotiable. His country was not prepared to cede any part of its territory and was ready to defend its boundaries with Soviet arms if necessary.¹²⁹ The question of whether or

126. S. Touval, "The OAU and African Borders", op.cit., p.109

127. J. Woronoff, op.cit., p.343

128. S. Touval, "The OAU and African Borders", op.cit., p.110

129. J. Woronoff, op.cit., p.344

not the unresolved border problem would lead to other outbreaks of armed conflict depended very much on the general climate of relations existing between the two governments as well as on the determination to refrain from interfering with each other's domestic affairs. Furthermore, a new crisis could stem from interference of the big powers.

While the cease-fire committee was successful in fulfilling its assignment the same cannot be said of the ad hoc Commission which was charged with the much more complicated task of finding a final legal settlement of the border problem. In other words, was the Commission a complete failure? The Commission, from its first meeting on December 2-5, 1963 at Abidjan, held almost a dozen more meetings in the following years.¹³⁰ At a meeting in Bamako on December 24-26, 1963 the Commission received documents from both sides in which they argued their cases. But according to Touval a discussion on these papers had to be postponed because of difficulties with the translations of the documents.¹³¹ It must be assumed that what the Commission tried to do in all the meetings which were to follow was to find a compromise formula able to reconcile the claims of both sides. Anyway, during the first session in Abidjan the members only got as far as adopting rules of procedures. During the second regular meeting of the Council of Ministers on February 22-29, 1964 the ad hoc

130. P.B. Wild, op.cit., pp.32-33

131. S. Touval, "The OAU and African Borders", op.cit., p.109

Commission reported on its work. They could not claim to have brought a final settlement any nearer. In view of the fact that the cease-fire committee had been successful just a week before, the Council recommended the establishment of direct contacts between the ad hoc Commission and the cease-fire committee. However, this recommendation soon became obsolete, because the cease-fire committee ceased to exist in April 1964.

After further meetings the third Council of Ministers in Cairo in July 1964 expected a proposal of a draft settlement by the ad hoc Commission. "But difficulties apparently developed, and the Council resolved again to take note of the commission's report and to request it to continue its work until the complete fulfilment of its mandate."¹³² At the fourth session of the Council the picture was exactly the same. No headway had been made towards any settlement; however, a steady improvement of relations between the two parties could be observed. At the time of increased tension in May 1966 - bringing a certain setback for reconciliation - Morocco asked for an urgent re-sitting of the Commission. However, by the time the Commission was convened in July the crisis had been overcome already without the help of the Commission. The deadlock which the ad hoc Commission could not break led to renewed procedural discussion concerning the Commission's original terms of reference. It was the old question of whether the Commission had a mandate for arbitration or

132. Ibid., p.109

whether it was meant to be simply a mediation and conciliation body. The outcome of the debate was the decision that it needed a new mandate from the Council if it were to act as an arbitration body.¹³³

As at previous meetings of the Council its seventh ordinary session in November 1966 saw another submission of a report of the ad hoc Commission which was subsequently asked to continue until its task would be completed.¹³⁴

"Each time the commission met or appeared before the Council it reconfirmed the goodwill of the contending parties and was re-endowed with their confidence. The very process of seeking a solution was praised as a victory for African unity."¹³⁵

At the summit meeting at Kinshasa in September 1967 the Algerian-Moroccan conflict was not even discussed. In 1968 at the OAU Assembly in Algiers, Hassan II and Boumedienne agreed not to let their border problem become an item on the conference's agenda. The envisaged meetings of the Commission due to take place in January and July 1967 were never convened.¹³⁶ The activities of the Commission petered out, although it was never officially dissolved. Morocco and Algeria signed a "Treaty of Solidarity, Good Neighbourliness and Co-operation" in January 1969 agreeing to negotiate in future all mutual problems on a bilateral

133. Ibid., p.110

134. B. Boutros-Ghali, L'OUA, op.cit., p.55

135. J. Woronoff, op.cit., p.342

136. B. Boutros-Ghali, L'OUA, op.cit., p.55

basis. This was interpreted as a renunciation of the good offices of the OAU ad hoc Commission although no direct reference to the frontier dispute was made in the treaty.¹³⁷ But knowing the failure of the Commission to sort out the problems, it seems unlikely that anybody had an interest to keep it alive. Also, in the meantime the OAU Commission of Mediation, Conciliation and Arbitration had been constituted. So if the two sides wanted to use the OAU, this could be the body to deal with the questions.

In a meeting of the two Heads of State in Tlemcen in May 1970 they agreed to set up a joint commission to demarcate the boundary in the disputed region from Figuig to Tindouf. It was expected that the border line would follow the de facto boundary inherited from French rule. As a result the iron ore deposits in Gara-Djebilit would remain in Algerian hands. However, an Algerian-Moroccan agency was to be set up to study the joint exploitation of these resources.¹³⁸

Assessment of the OAU Intervention

An assessment of the role of the OAU in this conflict is not easy, partly because more detailed material would be necessary in order to prove who was finally responsible for the ease of tension - the OAU with its Council and ad hoc Commission, the mediation of individual African leaders or bilateral discussions? Was the settlement of

137. P. Lyon, op.cit., p.132; also Keesing's Contemporary Archives, vol.XVIII, 1969-1970, p.24125

138. Ibid., p.24125

the Algerian-Moroccan dispute a "feather in the cap of the new Organization"?¹³⁹ Seen against the background of the institutional framework of the Charter and the complexity of the border dispute, I would not hesitate to give some credit to the OAU. However, Wallerstein's view that the dispute "resulted in a great victory for the OAU", seeing it as a "remarkable achievement" that the conflict could be contained within the frame of the OAU seems exaggerated to me.¹⁴⁰ Nevertheless, it is true that the mere existence of the OAU made an African tackling of the problem possible.

Africa was confronted with a twofold task. In the first place, after the outbreak of fighting, the urgent problem was to bring the 'hot' crisis to a quick end. In this respect tangible results were achieved relatively quickly at Bamako through the efforts of two individual African leaders and the cease-fire commission. In order to bring in the OAU, several obstacles had to be overcome. One delaying fact was that the OAU had just recently been founded and its elaborate machinery was not yet ready to operate. Secondly, to convoke an extraordinary session of the OAU Council of Ministers required the consent of two-thirds of the member states. Such a procedure takes time. Fifteen days passed between the calling for such a meeting and the convening. Furthermore, the OAU member countries seemed to have been reluctant to agree to such a meeting as long as only one of the disputants requested it.

139. S. Chime, op.cit., p.70

140. I. Wallerstein, Africa, The Politics of Unity, op.cit., p.73

The subsequent treatment of the Algerian-Moroccan dispute by the OAU seemed to have been a logical consequence considering the circumstances of this particular case. Any assessment must keep all these factors in mind. Although the OAU failed to act immediately, it nevertheless endorsed the achievements made in Bamako by adopting the Bamako agreement as the basis for its own discussions of the dispute at the Council meeting. The OAU thus brought the pressure of the African organization to bear upon the dispute.¹⁴¹ It must be recalled that it was only after this meeting that the cease-fire commission was able to work out an agreement on a demilitarized zone acceptable to both sides. Thus the 'hot' crisis was tackled by forces outside the OAU machinery albeit with the endorsement of this body. This is why I am inclined to give some credit to the OAU which, under the aforementioned shortcomings and without having recourse to a precedent on which to base its procedure, did as much as seemed to be possible and feasible.

The second half of the problem was to help find a long-term settlement of the dispute which would solve the territorial question once and for all in a legally binding agreement or treaty. This is where the ad hoc Commission comes in. Its lack of success might be attributed to the complexity of this particular territorial dispute¹⁴² as

141. P.B. Wild, op.cit., p.36

142. To name but one problem, it would have been difficult to apply the principles of state succession to a case where delimited borders never existed.

well as to the reluctance of the OAU "to associate itself with any findings or recommendations concerning the substance of the issue which might arouse the resentment of either party."¹⁴³ Such a Commission was obviously not regarded to be the best means of solving the problem of legal settlement of territorial disputes. The course of events showed the preference of the opposing sides to reach a long-term agreement through direct bilateral discussions.

According to Wild, this first conflict the OAU was confronted with raises questions about the usefulness of such an organ as the then projected Commission of Mediation, Conciliation and Arbitration.¹⁴⁴ On one hand the African states seemed to be reluctant to use the procedure of arbitration. On the other hand mediation and conciliation practice might be used in bilateral negotiations with individual African politicians acting as go-betweens and mediators with the consent of the OAU rather than using the officially provided organs of the OAU established for mediation purposes. Ad hoc procedures seemed to have a greater appeal to African leaders than the sluggish machinery of their international organization.

However, at this point of the discussion it would be premature to draw definite conclusions about the pattern of peace-making and dispute settlement processes in Africa

143. S. Touval, "The OAU and African Borders", op.cit., p.127. The Commission did not put any blame on either country for the outbreak of hostilities nor did it make proposals for a specific border line. J. Woronoff, op.cit., p.342

144. P.B. Wild, op.cit., p.34

and the utilization of the OAU and its bodies in such undertakings. What can be safely contended is that

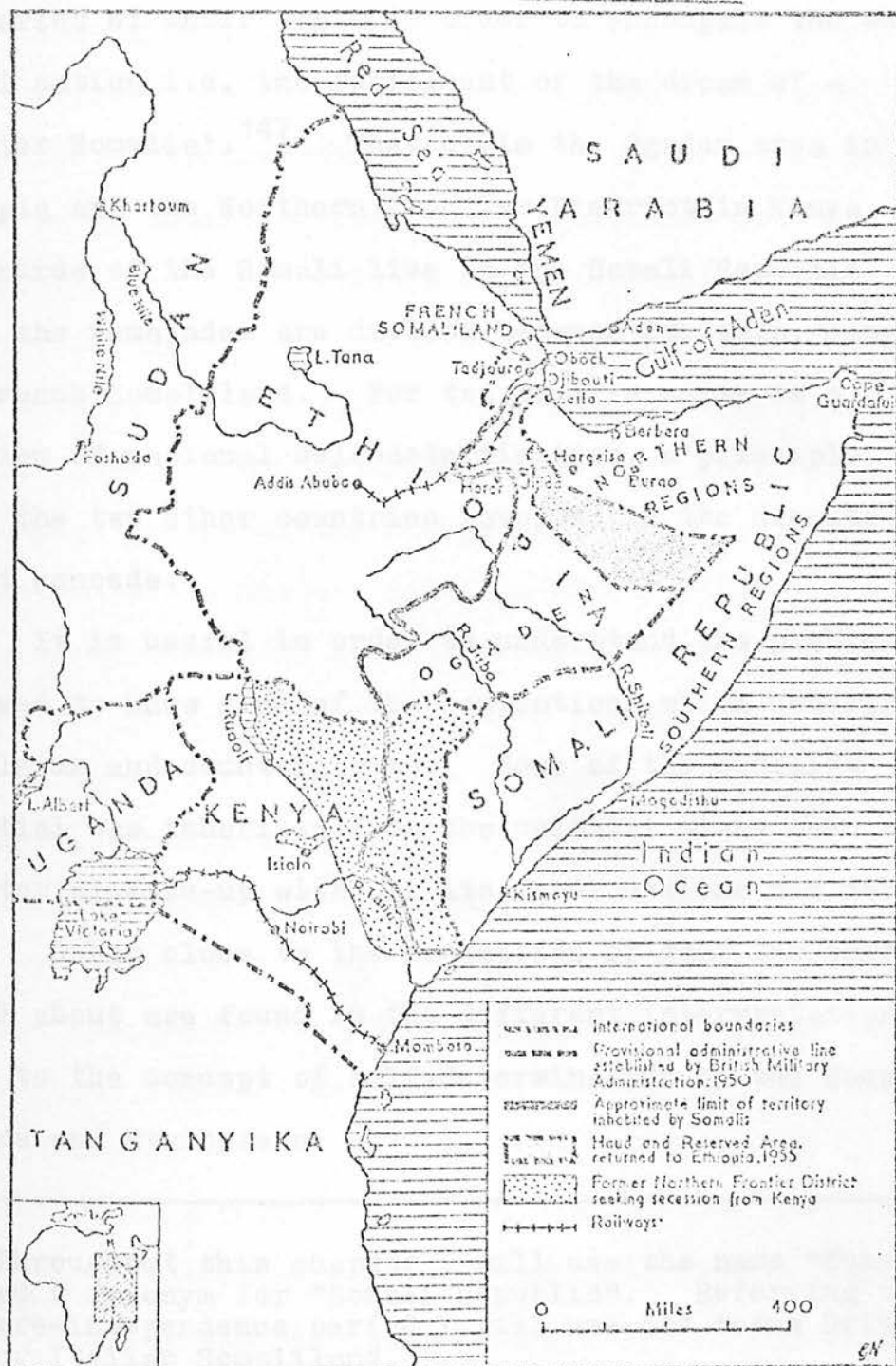
"the mere existence of the OAU and the disappearance of the 1958-1963 alliance system meant that, whenever grave crises erupted, as with the Algero-Moroccan war, it was far simpler to contrive a mechanism with which to press the contending factions to settle their differences peacefully than it otherwise would have been."¹⁴⁵

Nevertheless this statement has to be qualified. In each problem which will arise the international connotations of the crisis more than any other single factor determine the OAU's chances of success no matter how small, or failure right from the beginning.

That the African politicians were able to deal with the Algerian-Moroccan dispute within the confines of Africa was not primarily due to the OAU's relative prestige and authority but largely to the fact that big power interference and thus UN involvement was kept at a very low key. The two superpowers remained aloof. The decisions to keep the cold war issues out of this conflict were made in Moscow and Washington. Africa and the OAU gained from this insulation of the dispute but they would have been unable to effect it against the will of the big powers.

145. W. Scott Thompson and R. Bissell, "Legitimacy and Authority...", op.cit., p.31

MAP OF THE HORN OF AFRICA (produced from Drysdale's The Somali Dispute)



4) The Ethiopia - Somalia - Kenya Territorial Dispute

The key problem of the territorial disputes which erupted between the Somali Republic¹⁴⁶ and Ethiopia and Kenya is the quest of the Somali people to extend the boundaries of their state in order to encompass the whole Somali nation i.e. the fulfilment of the dream of a 'Greater Somalia'.¹⁴⁷ They claim the Ogaden area in Ethiopia and the Northern Frontier District in Kenya. Two-thirds of the Somali live in the Somali Republic while the remainder are divided between Ethiopia, Kenya and French Somaliland. For the Somalis unity is a question of national self-determination, a principle which the two other countries involved in the dispute cannot concede.

It is useful in order to understand the problems involved to know some of the contentions which underlie the claims and counterclaims. Some of the conflict potential was inherited from the colonial times when the territorial make-up with all its repercussions was decided upon. Other clues to the perception of what the conflict is all about are found in the different interpretations given to the concept of self-determination by the Somalis, Kenyans and Ethiopians.

146. Throughout this chapter I will use the name "Somalia" as a synonym for "Somali Republic". Referring to the pre-independence period I will use the terms British or Italian Somaliland.

147. This quest is stipulated in the national constitution of the Somali Republic in article 6,4. See R.L. Kapil, op.cit., p.668

Claims and Counterclaims

As indicated above the Somalis base their claim for a "Greater Somalia" on the principle of self-determination. It is a question of ethnic nationalism. In discussing Somali nationhood one encounters the old basic difficulties regarding the criteria of 'nation' to be applied. Before the territory in the Horn of Africa inhabited by Somali tribes was divided among Britain, France, Italy and Ethiopia in the nineteenth century the Somalis were not organized in a single autonomous political unit but were instead split into a number of larger often hostile clans. Even today the process of integration of the lineage groups of the Somali tribes into a nation in the Western sense has not yet been accomplished. Nevertheless, it can be contended in Touval's view that "the Somalis are a rare case of a homogeneous ethnic group, inhabiting a large territory, and united by culture, religion and tradition. Their sense of unity was not effaced even by the divisive impact of alien rule."¹⁴⁸ Such an impact might even have helped to strengthen the sense of unity. The imperial partition did bring about the gradual development of political nationalism which saw the establishment of a nation state as its ultimate goal. As the people in the partitioned area were all Somalis - apart from the ethnically related Danakil in French Somaliland - the Somalis did not have to invoke the concept of 'we are all Africans' as a cohesive force. "To assert their rights

148. Saadia Touval, Somali Nationalism, Cambridge, Mass., 1963, p.29

to independence the Somali therefore had no need to claim any other common feature than that of being Somali."¹⁴⁹ In fact Somalis had objections to being regarded as Africans, a term which to them implied subject Negroid people. However, during the course of recent years an increase of Africa's political status occurred, as a result of which they became more inclined to see themselves as Africans.¹⁵⁰

The Somalis are in their great majority a nomadic people who only accept the limits of their pastures as their border.¹⁵¹ A 'natural' border for them would be one that goes to the furthest limits of the grazing land, so that nation and territory would coincide. These for the Somali nationalists would be boundaries in accordance with the principle of self-determination and thereby bringing to an end a situation on which the former Somali Prime Minister, Abdi Rashid Shermarke commented: "Our misfortune is that our neighbouring countries, with whom, we seek to promote constructive and harmonious relations, are not our neighbours. Our neighbours are our Somali kinsmen whose citizenship has been falsified by indiscriminate boundary 'arrangements'."¹⁵²

The Somalis contend that they can apply the principle of self-determination to their case because they

149. I.M. Lewis, "Pan-Africanism and Pan-Somalism", in: Journal of Modern African Studies, vol.I, no.2, June 1963, p.148

150. S. Touval, Somali Nationalism, op.cit., p.25

151. John Drysdale, The Somali Dispute, London, 1964, p.7

152. Ibid., p.8

have no doubt about how to define the 'self'. The gain of territory inhabited by Somalis adjacent to the Somali Republic's territory would incorporate areas into the country whose tribal make-up could not upset the tribal balance inside the state. The identity among Somalis has always been an ethnic rather than a racial one. The political leaders of the Somali people claimed it a victory for their cause towards Pan-Somalism when in July 1960, British Somaliland and Italian Somaliland were merged to become independent. As they see it this step was made possible by application of the principle of self-determination.¹⁵³ While this first victory for the 'Greater Somalia' concept encouraged the Somalis to continue their efforts to bring further territory into the union, Ethiopia and Kenya had reason to fear that these attempts would threaten their countries' integrity. Both countries would never give in to any loss of territory, therefore they refuse to contemplate any change.

Kenya left nobody in doubt about her position. In a Memorandum submitted to the Addis Ababa Conference in May 1963 strong words were expressed.

"If anyone wishes to exercise his right of self-determination let him exercise this right by moving out of the country if necessary but not seek to balkanize Africa any further under the guise of a so-called self-determination. The principle of self-determination has relevance only where Foreign Domination is the issue. It has no relevance where the issue is territorial

153. See I.M. Lewis, "Pan-Africanism and Pan-Somalism", op.cit., p.151

disintegration by dissident citizens. We in Kenya shall not give up one inch of our country to the Somali tribalists, and that is final."¹⁵⁴

Kenya regards her Somali minority group as one of her many tribal groups who are all Kenya Africans. She rejects any idea of creating new African nations on the basis of tribal or religious identities.¹⁵⁵

Ethiopia argues very much along the same lines, being herself "an essentially arbitrary artificial creation, a patch work of different tribes and ethnic groups, possessing little overall cohesion and national patriotism."¹⁵⁶ To give in to any demands by the Somali Republic to cede the Ogaden would involve a loss of one-fifth of her territory as well as a challenge upon the political stability of this multi-ethnic country.¹⁵⁷

The threat of disintegration looms large in a country whose dominant Amharic minority group failed to assimilate the other minorities. The fact that these groups live along the border with Kenya, the Sudan and the Somali Republic to whose peoples they are related aggravates the problem. To grant the right of self-determination could quite

154. Reprinted in C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.39

155. Ibid., p.37

156. I.M. Lewis, "Nationalism and Particularism in Somalia", in: P.H. Gulliver: Tradition and Transition in East Africa, London, 1969, p.340

157. S. Touval, Somali Nationalism, op.cit., p.132. There are well over a hundred different groupings. Ibid., p.137

easily lead to secessionist movements. Although the case of the Somalis in Ethiopia is a special one because there is no other group with the same degree of national cohesion, any form of complaisance in the Somali case could be taken as an incentive by the other groups to intensify their claims.

The Ethiopians have always replied to claims for a 'Greater Somalia' by calling on the Somalis to join Ethiopia and thus gain unity. This is a reflection of Ethiopia's own nationalistic aspiration.¹⁵⁸ This attitude is based on Ethiopian tradition that those areas which are now the Somali Republic were part of the Ethiopian Empire at one time in history.¹⁵⁹ In the early Middle Ages, Ethiopia did indeed exercise an overlordship over much of the Horn area, but her control was not unbroken. It seems that the Somali Government does not deny this but argues that such a claim is based on "medieval rights".¹⁶⁰ This opinion is shared by Margery Perham who maintains that there is little basis to the Ethiopian claim to Somalia "which threw off at least five centuries ago such overlordship as Ethiopia exercised over part of it."¹⁶¹

158. Ibid., p.141

159. Mesfin Wolde Mariam, "Background to the Ethio-Somalian Boundary Dispute", in: Journal of Modern African Studies, vol.2, no.2, July 1964, p.194

160. Ibid., p.194

161. J. Drysdale, op.cit., p.66

Boundary Treaties

Solutions to the territorial disputes in the Horn of Africa are not only difficult to find because of controversial interpretations of the principle of self-determination and its application but likewise because of the colonial legacy which left this area with boundaries whose validity and interpretation is contested. When the European powers arrived in the Horn in the later part of the nineteenth century the boundaries there were in a condition of flux with Ethiopia being the only existing state.¹⁶² The territorial dispute between Ethiopia and the Somali Republic has its origin in various treaties concluded between the European powers and Ethiopia. While Somalia today regards her entire border with Ethiopia as invalid, Ethiopia admits that only her border with former Italian Somaliland is open to settlement.¹⁶³ At the time when Britain established her Protectorate she left the border with Ethiopia undefined. The first attempts to delimit the boundary were guided by rivalries between the European powers. The British dealt first with the Italians in order to divide their spheres of influence.

After the Italian defeat by the Ethiopians at Adowa when it became apparent that Ethiopia did not accept Italy's claim of a protectorate over Ethiopia, Britain approached this country directly. After negotiations between the Emperor Menelik II and a British delegation an agreement was reached in 1897; in a compromise deal Britain abandoned her

162. M.W. Mariam, op.cit., p.196

163. Z. Cervenka, op.cit., p.97

claim over parts of the Haud. Lewis points out one interesting fact concerning this treaty. It was worded in such a way as "to stipulate that while Ethiopia recognized British sovereignty within the new frontiers of the Protectorate, Britain did not reciprocally recognize Ethiopian sovereignty over the land and people who had been abandoned."¹⁶⁴ Although Britain had relinquished the Western Haud, Ethiopia's claim over this area rested on a dubious basis right from the beginning. In any case, for the Somalis this treaty was a betrayal because Britain had pledged herself in Anglo-Somali treaties of 1884-1886 in order to protect the Somali clans' 'independence' in this region. Britain was aware that the new border line cut across the Somali grazing lands. An annex to the 1897 treaty provided that the tribes "occupying either side of the line have the right to use the grazing grounds on the other side."¹⁶⁵ In an exchange of notes following the 1897 agreement the boundary was delimited.¹⁶⁶

The frictions between Britain and Ethiopia over border issues never ceased to trouble their relations. In a new agreement signed in 1954 both countries reaffirmed the stipulations of the 1897 treaty. As a result the Ethiopian sovereignty over the Haud remained on a

164. I.M. Lewis, "Pan-Africanism and Pan-Somalism", op.cit., p.152, footnote

165. S. Touval, Somali Nationalism, op.cit., p.156

166. The demarcation was only carried out between 1932-34. Ibid., p.157

questionable basis. The Haud was returned to Ethiopia in February 1955. Thus in this area which had been placed under British administration during the Second World War Ethiopia's sovereignty was re-established.¹⁶⁷ After British Somaliland reached independence her government declared that it recognized neither the 1897 nor the 1954 treaties, regarding both as violations of the 1884-86 Anglo-Somali treaties.¹⁶⁸ The Ethiopian Government for its part announced that it viewed the grazing rights as "automatically invalid" but not the treaties of 1897 and 1954.¹⁶⁹

This leaves us with the key problem of assessing the validity of both contentions. On human and economic grounds Somalia's claims seem justified. The country was deprived of a territory which was of great importance as grazing land for her nomadic people, but Ethiopia claimed the territory for similar reasons. The legal problems involved are difficult to sort out. On one hand there is

167. Ibid., p.158.

168. J. Drysdale, The Somali Dispute, op.cit., pp.75-76. See also J. Woronoff, op.cit., p.348. Britain regarded the 1897 treaty as binding by virtue of its superior status in international law as compared with the 1884-86 agreements. This is D.J. Latham Brown's interpretation.

169. A.O. Cukwurah, op.cit., p.111. Britain shares Ethiopia's view. See M.W. Mariam, op.cit., p.211. A statement by the British Prime Minister laid down that "the provisions of the 1897 Anglo-Ethiopian Treaty should, in our view, be regarded as remaining in force between Ethiopia and the successor state. On the other hand, article III of the 1965 Agreement, which comprises most of what was additional to the 1897 treaty, would, in our opinion, lapse." Quoted in A.O. Cukwurah, op.cit., p.111.

Cukwurah's argument which is in line with our general remarks on the problem of state succession.

"Experience has shown that international boundaries sometimes disrupt traditional rights, such as the right of pasturage, unless provision is made for their continuance. It is, therefore, submitted that Somaliland succeeded to the treaty boundaries, independent of the fate of the other provisions in the agreement."¹⁷⁰

On the other hand Drysdale hinges his criticism of the British attitude towards the 1897 Treaty on one 'disquieting feature'. Britain did not recognize Ethiopia's sovereignty in the Haud area in this treaty. It is therefore questionable whether the Haud region had been Ethiopian territory in international law since the Treaty of 1897.¹⁷¹ A shortcoming of the 1954 agreement was the fact that the citizenship of the nomadic Somalis in the Haud region remained unclarified. Were they citizens of Ethiopia or of the Protectorate? If they had fallen under the authority of the British, it imposed on the Ethiopian Government "the tacit recognition to the fact that the territory was occupied, albeit temporarily, by non-Ethiopian subjects."¹⁷² This situation provided Somalia with one of the strong levers for her demand. Drysdale has clearly pointed out a number of facts which support the Somalian demands.¹⁷³

170. A.O. Cukwurah, op.cit., pp.111-112

171. J. Drysdale, op.cit., p.77

172. Ibid., p.80

173. As far as the practical question of succession to pre-independence border treaties goes, the OAU in its 1964 Resolution Concerning Boundaries made no unequivocal stipulations.

If it comes to the border between Ethiopia and the former Italian Somaliland, later the trust territory of Somalia, the overriding factor is that the boundary has no legal basis and was still undefined when the trust territory became independent in 1960.¹⁷⁴ This situation is the outcome of a long and complicated legal history of which I will only give a few details. When Major Nerazzini was engaged in peacetalks with the Ethiopian Emperor Menlik II after Italy's defeat at Adowa an agreement was reached in 1897 on a provisional boundary.¹⁷⁵ The border was traced on two maps which were subsequently lost and no-one can recall the exact nature of the agreement as far as the delimitation line is concerned.¹⁷⁶ A convention drawn in 1908 is the only existing document. But its interpretation was soon open to disagreement and consequently the border was never demarcated.¹⁷⁷ Between 1935 and 1948 when the Ogaden was administratively merged with Italian Somaliland the vexing boundary question was temporarily forgotten only to emerge afresh as a smouldering problem when Italian Somaliland became a UN trust territory in 1950. Until 1957 Italy and Ethiopia tried in vain to reach an agreement in direct negotiations. When the UN recommended arbitration, the arbitration tribunal under

174. J. Drysdale, op.cit., p.88

175. S. Touval, Somali Nationalism, op.cit., p.160

176. M.W. Mariam, op.cit., p.200. Nerazzini's own records are full of contradictions.

177. S. Touval, Somali Nationalism, op.cit., p.161. In the 1908 convention reference was made to the 1897 agreement of which no authentic record was available.

Trygve Lie tried to find a compromise. But the two countries were unable to agree and negotiations reached deadlock once again.¹⁷⁸ When Italian Somaliland became independent the only border line that existed was the "provisional administrative line". This was established by the British authorities in consultation with the Italian and Ethiopian governments at the time of the transfer of Somalia to Italian trust administration in 1950.¹⁷⁹

Somali nationalism is also a challenge to the territorial integrity of Kenya. The border dispute which clouds the relationship between the Somali Republic and Kenya is of long standing. An outbreak of hostilities, however, had been avoided as long as the conflict had been contained by colonial administration of Kenya.¹⁸⁰ Somalia claims that the Northern Frontier District (NFD) of Kenya should become part of her territory, a demand which Kenya rejects without reservations. The area under dispute makes up one-fifth of Kenya's territory. It is a semi-desert plateau providing rough living conditions for her less than a 100.000 nomadic inhabitants - almost all Somalis.¹⁸¹

178. J. Drysdale, op.cit., pp.92-93

179. S. Touval, Somali Nationalism, op.cit., p.160

180. A.C. McEwen, op.cit., p.113

181. A.A. Castagno, "The Somali-Kenyan Controversy: Implications for the Future", in: Journal of Modern African Studies, vol.2, no.2, July 1964, p.165. McEwen gives a much higher figure of 240.000 Somalis living in the NFD. He also talks about one-half of Kenya's total area as claimed by Somalia. See A.C. McEwen, op.cit., p.113 and p.115

It was in 1909 that the gradual expansion which brought the Somali nomads westwards into Kenyan territory was accomplished. They consolidated their position in the NFD thereafter.¹⁸² As early as 1891 a line separating what were then the British and Italian territories in East Africa was defined for the first time running along the Juba river northwards.¹⁸³ An effective British administration, however, only came into being in Jubaland many years after the Anglo-Italian Agreement of 1891.¹⁸⁴ In an Anglo-Italian treaty signed in 1924 Jubaland was transferred to Italian Somaliland, in conformity with the 1915 Treaty of London, as a sort of reward for Italy's participation in the First World War.¹⁸⁵ Kenya today claims that the British Government was morally wrong to have ceded Jubaland. The exact description of the new boundary between British Kenya and Italian Somaliland revealed that not the entire Jubaland was given to Italy. All the land west of the meridian of 41° east longitude was made part of the NFD. Given that the new line was an artificial division between Somali kinsmen, Britain and Italy provided in an additional agreement that the Somalis from the Italian side of the division line were allowed to cross into British administered territory. The demarcation of the line was

182. A.A. Castagno, op.cit., p.167. The Somalis did not move into an unoccupied area but rather forced back the local inhabitants.

183. A.C. McEwen, op.cit., p.115

184. Ibid., p.116

185. Ibid., pp.117-118

concluded in an agreement between the British and Italian Government in 1927. But problems of demarcation arose in the coming years and only in 1933 the legal status of Kenya's new Eastern border was at last settled by international agreement.¹⁸⁶

When Italian and British Somaliland were merged to become independent as the Somali Republic, Somalis on both sides of the Kenyan-Somalian border cherished hopes for unification of the NFD with the Republic. Britain did not commit herself to such a solution but declared that she would do nothing against the will of the Governments and peoples concerned.¹⁸⁷

At the Kenya Constitutional Conference in London in 1962 the issue of secession was an item on the agenda. As might have been anticipated the attitudes of the delegation representing the NFD and the delegates from KANU and KADU clashed. A commission was appointed to report on public opinion in the NFD. This fact finding commission came to the conclusion that the great majority in the District supported the idea of secession. However, the wishes of the majority were ignored. All the British Government was prepared to grant was a wide measure of autonomy for the Somalis in one of the regions of independent Kenya.¹⁸⁸ The new regional arrangements in Kenya's Independence Constitution

186. A.C. McEwen, op.cit., pp.121-122

187. See Statement by Prime Minister Macmillan. Ibid., p.125

188. S. Touval, Somali Nationalism, op.cit., p.153

of December, 1963 provided for a new territorial structure. The old NFD ceased to be a single entity. Part of it became the North Eastern Region and parts were incorporated in the Eastern Region and Coast Region.¹⁸⁹ Somalia never accepted these solutions and claims the whole of the former NFD.¹⁹⁰

This summary of developments regarding the frontier problems between the Somali Republic and her two neighbours, Ethiopia and Kenya, suggests that any attempt to reach long-term solutions is confronted with a great deal of difficulties. However, it would be wrong to assume that a solution depends "solely on the validity and interpretation of boundary agreements."¹⁹¹ If both sides are willing to reach agreement these problems can be overcome. But in cases of strife the invocation of old treaties and the dispute over it can be used to prevent any settlement or agreement.

Attempts at Mediation by the OAU and Third Parties

Right from the beginning of Somalia's independence her relations with her neighbours became strained. Border incidents occurred a number of times since 1960. So-called

189. A.C. McEwen, op.cit., p.126

190. In March 1963 Somalia broke diplomatic relations with Britain. In a note the Somali Government blamed Britain for the situation which had arisen in the Horn: "... The instability of the Horn of Africa is the creation of the British Government which will be held responsible for any consequences that may follow." Reprinted in C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.28

191. A.C. McEwen, op.cit., p.113

"shiftas", small groups of Somalis who mingled with the nomadic herdsmen, carried out attacks on the Ethiopian authorities in the Ogaden area. Ethiopia retaliated these attacks. From October 1963 onwards the raids increased steadily in intensity. The deterioration of relations was accompanied by a propaganda war carried out on the radio and in the press.¹⁹² In the summer of 1963 these incidents flared up in Kenya as well where life was disrupted in the NFD.

The climax of escalation was reached on February 7, 1964 when fighting between the Ethiopian and Somali regular armies broke out. Both sides blamed each other for the outbreak of open hostilities but they were also anxious to stop the fighting.¹⁹³ As both protagonists had obviously not been able to solve the problems in bilateral negotiations, the question - similar to the Algerian-Moroccan dispute - arose of finding a suitable mediator. In this case as in the preceding border dispute the preferable choice of mediators was somehow predictable. Both countries were fully aware of the status quo attitude on border issues shared by the overwhelming majority of African states. Ethiopia's preferences were based on similar grounds as those of Algeria while Somalia approached the problem with the arguments which are familiar to us since the discussion of the Moroccan attitude.

192. J. Woronoff, op.cit., pp.349-350

193. S. Touval, "The OAU and African Borders", op.cit., p.111

On February 8, 1964, in accordance with article XII of the OAU Charter, Haile Selassie requested an extraordinary meeting of the OAU Council of Ministers to consider the dispute. He also addressed messages to all African Heads of State.¹⁹⁴ It is not surprising that Somalia preferred the UN as a mediator. Consequently, her government launched a request for a UN Security Council meeting on February 10, 1964. The previous day, however, U Thant had sent messages both to the Emperor and the Somali Prime Minister in which he called for a peaceful settlement of the dispute and made reference to the OAU as the appropriate forum. His attitude concurred with the opinion of the majority in the UN, notably of the African Members.¹⁹⁵ The Horn of Africa had not remained untouched by the cold war with Ethiopia and Kenya receiving military aid from the West while Somalia obtained help from the other side. Only days after the fighting started there were appeals from East and West to stop the war. But they did not want to intervene in a fruitless war through which they would only make enemies in Africa. The great powers were urging restraint on the belligerents. They were anxious to avoid an open entanglement. However, had the matter been brought before the UN, the big powers could not have stayed

194. The following information is taken from Keessing's Contemporary Archives, vol.XIV, 1963-1964, p.20176

195. See S. Touval, "The OAU and African Borders", op.cit., p.112; also "Les Relations entre l'OUA et l'ONU", op.cit., p.52. Somalia based her request on the complaint that her borders had been violated rather than on the wider issue of self-determination. See M. Manigat, op.cit., p.390

aloof, and the danger of internationalizing what was basically a regional conflict would have been unavoidable.¹⁹⁶

On February 11, when the reluctance of the UN to deal with the dispute must have been known at Mogadishu, the Somali Government called for the inclusion of the dispute in the agenda of the Council of Ministers meeting due to open in Dar-es-Salaam the next day.¹⁹⁷ Although Somalia seemed to have consented to OAU mediation she did not entirely give up her idea of UN intervention in the crisis. On February 12, the Somali Government asked U Thant to send a commission of independent observers to determine the responsibility for the fighting and to supervise the cease-fire.

Kenya's request that her dispute with Somalia should also be considered was accepted by the ministers albeit reluctantly.¹⁹⁸ When the debate opened at the Council both sides accused each other of invasion and armed aggression. It is worthwhile to take a closer look at the speeches delivered by the representatives of Somalia, Ethiopia and Kenya.

Somalia's Foreign Minister, Abdullahi Issa, dealt in great length with the outbreak of the hostilities,

196. J. Woronoff, op.cit., pp.459-460

197. Such an extraordinary meeting had already been scheduled to convene in Dar-es-Salaam on February 12, 1964 to consider the army mutinies in Tanzania.

198. S. Touval, "The OAU and African Borders", op.cit., p.112. Some delegates wanted the discussion of this dispute to be postponed until the ordinary meeting due to be held in Lagos two weeks later, because they did not have time to get instructions from their governments concerning the attitudes towards this item.

accusing Ethiopia of aggression. The wider issue of territorial claims is only touched in one sentence: "The solution to this problem will not be found by resorting to false charges against the Somali Republic - but by the Ethiopian Government facing squarely the realities of the situation and allowing the people to exercise their inalienable right to self-determination..."¹⁹⁹ What the Somali Government expected the Conference to do was to adopt a resolution for an immediate cease-fire and to appoint observers to supervise the truce and a demilitarized zone. What it wanted to avoid was a full discussion of the conflict by the Council. Somalia was apprehensive of the prevailing status quo attitude in the OAU with respect to territorial claims which was detrimental to her interests. By the same token she hoped that the Council would limit its discussion to the problem of military disengagement. Although Somalia had to secure "international recognition that the Somali-inhabited areas of Ethiopia and Kenya, over which these two states claimed exclusive sovereignty, were actually disputed territories",²⁰⁰ she was aware that she could more easily get it by involvement of the UN and not the OAU.

Ethiopia and Kenya, fully aware that they could count on Africa's aversion to redraw the inherited boundaries,

199. OAU Mimeographed Texts, February 1964, reprinted in C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.56

200. S. Touval, "The OAU and African Borders", op.cit., p.113

indicated in their respective statements that they wanted to discuss the problem in the widest possible context considering the roots of the claims and counterclaims. Ethiopia's Foreign Minister therefore openly asked the Council "to pave the way for a permanent settlement of this issue."²⁰¹ Kenya made the same request and proposed that the African states should sign a charter "that we shall all desist from making further territorial claims on each other and shall seek to reach mutual agreement."²⁰² A committee of twelve was set up to draft a resolution concerning the armed conflict between Ethiopia and Somalia. Ghana's proposal that this committee should also discuss the Somalia-Kenya dispute was rejected because of Somalia's objection. She regarded both disputes as separate items.²⁰³

The first resolution adopted on February 14, 1964 by the Council was on the Somalia-Ethiopia conflict. It emphasized explicitly "that the Unity of Africa requires the solution to all disputes between member states be sought first within the OAU."²⁰⁴ It then called for a cease-fire, a cessation of hostile propaganda and urged the two governments to enter into negotiations. Another interesting

201. OAU Mimeographed Texts, February 1964, reprinted in: C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.53

202. Ibid., p.59. It will be recalled that this was done at the summit meeting in Cairo in July, 1964.

203. S. Touval, "The OAU and African Borders", op.cit., pp.113-114

204. The text of the two resolutions is reprinted in C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., pp.60-61

inclusion in the text was the call "upon all African states with diplomatic or consular missions in Ethiopia and Somalia to do their best to assist in the implementation of the cease-fire." This seems to indicate that the ministers had doubts about the capacities of the OAU to do this job. In any case, they probably felt that it would be worthwhile if individual diplomats could assist the OAU. It is plausible that they were encouraged in this opinion by the successful job some mediators had performed in the Algerian-Moroccan dispute and discouraged by the difficulties of the ad hoc Commission. In the resolution the ministers pledged themselves to take up the dispute in their ordinary meeting which was scheduled for February 24, in Lagos. The way in which the Council dealt with this crisis seems to be also a reflection of the OAU's poor resources. The task of an effective supervisory machine would have been far too difficult in terms of size and cost considering the length of the border.²⁰⁵ After the adoption of the resolution Somalia informed the Security Council that she would not pursue her complaints in this body as long as the OAU was engaged in trying to find a solution. The principle of 'Africa first' was triumphant.²⁰⁶

The resolution on the Kenya-Somalia dispute on the other hand contained no invitation to the African politicians and diplomats to offer their good offices. It rather asked the protagonists to solve the problem in bilateral discussions.²⁰⁷

205. J. Woronoff, op.cit., p.351

206. West Africa, vol.48, no.2438, 22 February 1964, p.199

207. B. Boutros-Ghali. L'OUA, op.cit., pp.56-57

Why were African politicians and diplomats invited to act in the Somalia-Ethiopia crisis but not in the Somalia-Kenya dispute? The answer might be that in the first case the task was to bring to an end a 'hot' crisis i.e. to reach a short-term cease-fire agreement rather than a long-term settlement which tackled the roots of the problem. Such an assignment is not beyond the capabilities of mediators. Experience with the Algerian-Moroccan dispute proved that mediation by African politicians outside the OAU can be quite successful in bringing armed conflicts to a halt. However, evidence shows that it is easier to reach a cease-fire agreement at the conference table through negotiation and mediation than to implement such an agreement on the spot. On the other hand diplomatic involvement in the Kenya-Somalia dispute would have confronted the mediators with the immensely more complicated problem of finding a long-term solution to the territorial question. Unless the protagonists give clear evidence that they are interested to debate and negotiate in order to find a solution to their territorial conflict, there was no point in starting a process of mediation.

As far as the armed conflict was concerned a temporary cease-fire agreement between Ethiopia and the Somali Republic was reached not through the OAU but through the instrumentality of the Sudanese President Abboud, unfortunately breaking down a few hours after it came into force. Subsequently President Osman of Somalia asked for a peace-keeping force along the frontiers.²⁰⁸

208. J. Woronoff, op.cit., p.351. In the weeks between the

When the Foreign Ministers and their representatives met in Lagos they were confronted with the fact that the OAU or any other mediator failed to impose an effective truce.²⁰⁹ Somalia renewed her demands for a demilitarized zone and a supervisory force. She found support from Nkrumah who was hoping thus to promote his own idea for an African military force,²¹⁰ as well as from the Congo-Brazzaville, Libya, Nigeria and Tunisia. To Ethiopia both seemed unnecessary if Somalia would once and for all renounce her territorial claims. In the exchange between Kenya and Somalia the delegate of the former country invoked the inapplicability of the principle of self-determination in the case of independent states, an argumentation to which she adhered ever since the Addis Ababa Conference in 1963.

After reviewing the situation in committees the Council came out with resolutions much along the lines of their previous meeting in Dar-es-Salaam, whose resolutions they confirmed. The Council congratulated Somalia and Ethiopia for having ordered a cease-fire - which they did not observe. One interesting inclusion in the resolution was the appeal to the protagonists to "direct negotiations

two Council meetings attempts of mediation had also been made by Nkrumah and Nyerere. See West Africa, vol.48, no.2438, February 22, 1964, p.199

209. In this description of the Lagos meeting I follow closely Touval's account which is based on the unpublished record of the session.

210. Discussion about this plan have cropped up in OAU meetings ever since. The latest conference in Rabat in June 1972 dealt with this plan. But agreement on this question is still nowhere in sight. See The Times, June 20, 1972, p.15

with due respect to paragraph 3 of article III of the Charter"²¹¹ - respect for the territorial integrity - a reference not contained in the Dar-es-Salaam Resolution.

The Resolution on the Kenya-Somali Dispute being likewise a repetition of Dar-es-Salaam also made reference to article III,3 of the Charter. That this paragraph was included must have been very much to the liking of Ethiopia and Kenya. It showed implicitly that the majority in the Council shared their attitude. It was recorded that Somalia's reaction was one of great disappointment.²¹² The inclusion of article III,3 in the resolutions indicates that the sympathy had shifted towards Ethiopia. I do not know what was going on "backstage" to influence this attitude against Somalia. Probably, there was no shifting at all. That the Lagos resolution did explicitly invoke article III,3 while the Dar-es-Salaam one did not is perhaps simply due to the fact that at Dar-es-Salaam the ministers were pre-occupied with the urgent task of a peaceful settlement of the 'hot' crisis. The background in Lagos was that some achievement in this respect could be reported and thus the ministers were concerned with a long-term solution of the dispute. They had to confirm the basic principle by which negotiations for long-term territorial settlements in Africa should be guided.

211. OAU Mimeographed Texts, in: C. Hoskyns, Case Studies, in: African Diplomacy: II, op.cit., p.62

212. See West Africa, vol.48, no.2440, March 7, 1964, p.254

Comparing the OAU's dealing with this conflict to the manner in which it tried to solve the Algerian-Moroccan dispute, one point comes to mind immediately, The OAU did not set up another ad hoc Commission. The ministers' decision could not have been influenced by the performance of the ad hoc Commission which tried to mediate between Algeria and Morocco. It was still too early to reveal its relative incapability. What the decision does seem to indicate is that there was not a fixed pattern of procedure according to which inter-African territorial disputes were to be handled.

The call for bilateral negotiations made by the Council was taken up by Ethiopia and the Somali Republic whose Foreign Ministers met in Khartoum on March 24, 1964 with the Sudanese Government as mediator. It must be viewed as a big accomplishment of inter-African diplomacy that thanks to the efforts of the Sudanese not only a breakdown was avoided but also after only six days of meetings an agreement could be concluded.²¹³ The Joint Communique published in Khartoum on March 30, 1964 showed that the agreement was reached in compliance with the OAU's request on the maintenance of the cease-fire, the creation of a demilitarized zone along the boundary, the establishment of a joint commission to supervise the withdrawal of troops and the curtailment of hostile propaganda.²¹⁴ Both sides

213. S. Touval, "The OAU and African Borders", op.cit., p.116. She gives the credit for the success to the Sudanese Foreign Minister. Strauch on the other hand attributes the outcome to Abboud's mediation efforts. H. Strauch, "L'OUA et les Conflits Frontaliers", op.cit., p.68

214. S. Touval, "The OAU and African Borders", op.cit., p.115

pledged themselves to resume negotiations in pursuance of paragraph 3 of the resolution adopted in Lagos before the next Assembly, in other words to find a final solution to the dispute.²¹⁵

Developments after 1964

The Khartoum agreement did not bring raids and clashes to a complete halt. Relatively serious clashes happened in March 1965. Somalia asked the OAU Secretary-General to send a OAU commission to investigate the situation, but the OAU did not take up this matter. A few days later, however, the Ethiopian and Somali Governments agreed to re-activate the joint commission to help implement the Khartoum agreement.²¹⁶

Incursions and clashes never stopped completely. The question was kept on the agenda of many OAU meetings and was discussed between the parties without substantive results. The other countries in the region were aware of the threat to peace in Africa resulting from the tension between the Somali Republic and her neighbours. Their leaders had a vested interest in helping any attempts to reach agreement. The events proved that it was their good offices rather than the interference of the OAU which eased tensions.²¹⁷

As far as the relations between Kenya and Somalia

215. C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.66

216. S. Touval, "The OAU and African Borders", op.cit., p.117

217. J. Woronoff, op.cit., p.356

are concerned a further step forward was taken in Arusha in December 1965. A meeting between Presidents Kenyatta and Osman was arranged by President Nyerere. Although the mood of the Conference was reported to be good, nothing substantial was achieved. Both sides stubbornly stuck to their well-known positions.²¹⁸ A considerable improvement of relations emerged, however, after another meeting between the two countries' representatives had taken place in Arusha in October 1967 under the chairmanship of President Kaunda.²¹⁹ The meeting had been arranged at the previous 4th Ordinary Session of the Assembly of Heads of State and Government in Kinshasa. Once more the OAU seemed to have functioned as a forum for contacts between African politicians. The Kenyan and Somali representatives agreed to maintain peace and security on both sides of the border, refrain from hostile propaganda, to re-open diplomatic relations, and to appoint a Working Committee consisting of representatives from Somalia, Kenya and Zambia to examine ways and means of bringing out a satisfactory solution to major and minor differences between Kenya and the Somali Republic.²²⁰ Ever since Arusha 1967 both sides showed their inclination to end the dispute. "At present, however, the root problem

218. C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., pp.73-74.

219. A.C. McEwen, op.cit., p.128. Nyerere and Obote were present as observers.

220. Arusha Memorandum, Mimeographed Text, reprinted in: C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., pp.82-83.

remains unsolved and it is not yet clear what steps can or will be taken to reconcile the opposing views of ethnic self-determination and territorial integrity."²²¹⁾

Rosberg hails the success as "a skilful act of international African diplomacy and bargaining among leaders of both nations".²²²

As far as the negotiations between Somalia and her neighbours are concerned Woronoff believes that they became easier after a change in government in the Somali Republic. Mohammed Ibrahim Egal succeeded Abdi Rashid Shermarke as Prime Minister who in his turn replaced Aden Abdullah Osman as President. Egal "was not intimately connected with the claims and aggressive policy of the earlier governments".²²³ He was believed to be a very strong Pan-Africanist.²²⁴ Egal could not renounce any claims based on the principle of reunification of all the territories inhabited by Somalis.

"We do not wish to annex the territory of any state whatever, nor to expand into such territory. We do intend to champion the cause of Somali territories under foreign domination, in order that they obtain independent status through the process of self-determination." ²²⁵

The new Prime Minister, however, did believe that the goal of Somali reunification was not to be realized immediately and should not be tackled by means of military operations

221. A.C. McEwen, op.cit., p.128.

222. Carl G. Rosberg, "National Identity in African States", in: The African Review, vol.I, No.1, March 1971, p.92.

223. J. Woronoff, op.cit., p.356.

224. C. Hoskyns, Case Studies in African Diplomacy: II, op.cit., p.85.

227. J. Woronoff, op.cit., p.357.

228. G.R. Malcott, op.cit., p.50.

but rather in pacific negotiations.²²⁶

The fact is that relations between Somalia and Ethiopia improved considerably after a conference was held between the Emperor and the new Somali Prime Minister in Addis Ababa in September 1967. They reached agreement to eliminate all sources of tension. A joint military commission was to be set up which would study all complaints. Furthermore, in quarterly meetings of administrative authorities, efforts should be made to pave the way for increased co-operation along the frontier.²²⁷ This policy of reconciliation was continued by the military regime of General Ziaab Ziad Barre who ousted the Egal Government in a coup d'etat in October 1969.²²⁸

Assessment of the OAU's Role in the Dispute

An assessment of the OAU's role in the disputes in the Horn of Africa must be made against the background of internal and international political developments in this area. In both conflicts what had been achieved was an improvement in interstate relations, but by no means did the roots of the disputes disappear. It seems unlikely that they will disappear as long as the Somalis remain nomads with stronger ties between blood brothers than towards allegiance to the states in which they have their grazing grounds. The Somali government can ill-afford to ignore these feelings even if its primary concern were good neighbourly relations

225. Reprinted ibid., p.85.

226. Georges R. Malecot, "La Politique Etrangère de l'Ethiopie", in: Revue Francaise d'Etudes Politiques Africaines, no.79, July 1972, p.49.

227. J. Woronoff, op.cit., p.357.

228. G.R. Malecot, op.cit., p.50.

with Ethiopia and Kenya.

On the other hand it is inconceivable that either Ethiopia or Kenya should be prepared to cede parts of their territories. Their answer to the Somali problem is to fully integrate their respective Somali minority groups into their multi-tribal societies in the process of nation-building and creation of national identity. If the Somalis become Kenyans or Ethiopians their claims of secession will be obsolete.

At the root of the Somali dispute thus lies a clash of two concepts of nation-building. On one side there is the demand to translate "Somali ethnic nationalism into statehood"²²⁹ i.e. to incorporate all Somali people into one nation-state. On the other side there is the desire to form a nation not on the premise of ethnic identity but through a process of "containing and accommodating tribal and ethnic particularism".²³⁰ Kenya and Ethiopia are engaged in the second type of nation-building, an assignment which they share with the overwhelming majority of African states, while Somalia is a unique example of the first concept. "The basic sociological considerations are far more important in understanding the nature of the Somali dispute, and its wider ramifications in the policies of the countries, than the political hue of their leaders or regimes, however these be labelled."²³¹ Unless one or both

229. I.M. Lewis, "Recent Developments in the Somali Dispute", in: African Affairs, vol.66, no.263, April 1967, p.104.

230. Ibid., p.106.

231. Ibid., p.106.

sides to the dispute reverse their concept of nationhood and territorial sovereignty, the problem cannot be solved.

The only alternative would be the battlefield. However, any realistically minded Somali politician must know that at least for the time being any military efforts to solve the dispute impose a heavy burden upon his poor country without being a real threat to her much stronger neighbours. Without the backing of the Arab countries and the East, Somalia's harassments are of little consequence. After the Arab-Israeli War in 1967 "much of this support evaporated or was proven unreliable".²³² Any open partisanship on behalf of the Somali would drive the other countries in the dispute even more into the arms of the Western powers and the Israelis who already play a significant role in Ethiopia. Owing to heavy military aid from the Americans this country is already in a very strong position. Somalia's main arms supplier is the Soviet Union who is trying to prevent an increase in Chinese influence.²³³

The arms race which is taking place in the Horn is not primarily caused by the territorial conflict which opposes the Somali Republic and her neighbours but by the geo-strategic and political importance of the area in connection with the Middle East problem. This factor makes the big powers interested in this area. Their main concern seems to be to consolidate their strong holds in this region in order

232. J. Woronoff, op.cit., p.357.

233. Ibid., p.458.

234. Ibid., p.459.

not to unbalance the positions of power in the Middle East crisis. In this connection they have nothing to gain from a change of the prevailing territorial status quo of the Horn. And their behaviour during the 'hot' crisis between Somalia and Ethiopia gives evidence that they used their influence to urge both sides to refrain from escalating the conflict. They had no interest "in the victory of either side and neither wished to upset the balance in the region irremediably or unleash a wave of territorial claims they would be called upon to support or combat".²³⁴ This self-imposed restraint of the big powers gave the OAU the chance to come in as a peacemaker. The international scene did not seem to have been in the way of a successful accomplishment of the OAU's task. The OAU rather failed to bring about a long-term agreement because it was unable to reconcile the two abovementioned concepts of nationhood which lie at the root of the problem.

Thus in dealing with the Somali dispute its part was very modest, even more modest than in the Algerian-Moroccan conflict. It was able to create an atmosphere of brotherhood and make the politicians involved directly aware of their responsibility to keep the peace in Africa. It provided a forum where problems could be discussed. But as the two case studies reveal, the OAU cannot claim primacy as peacemaker in these disputes.²³⁵ Concrete results were achieved by individual statesmen and not by the OAU machinery. However, it can play a useful role in setting out and expressing the consensus that exist among African states

234. Ibid., p.459.

with respect to certain issues such as the status quo attitude towards inherited boundaries. Thus any individual mediator can operate from a position of increased strength knowing that he is backed by the great majority of African states, whose leaders share the same opinion on territorial questions.

"Perhaps the most significant achievement of the year for the OAU was the positive part played by African statesmen in resolving the explosive border fighting between Morocco and Algeria and between Somalia and Ethiopia. The significance of this event lies in the fact that in the absence of the OAU, these incidents would surely have been referred to the UN Security Council. In that event they would have ceased to be African problems. They would even have ceased to be simple border disputes. They would have become world problems and that immediately draws in the cold war."²³⁶ By and large Mboya's assessment is in keeping with my own judgement of the OAU's role in the border conflicts. He naturally emphasizes the hope which Africa pins on the OAU. Any objective critique must bring into question such an optimistic viewpoint.

235. S. Touval, "The OAU and African Borders", op.cit., p.126

236. Tom Mboya, "African Unity and the OAU", in: East Africa Journal, vol.I, no.10, October 1964, p.23

CHAPTER IV

THE ORGANIZATION OF AFRICAN UNITY AND
THE NIGERIAN CIVIL WAR

It would certainly be beyond the scope of this thesis to begin this chapter with an extensive analysis of what went wrong in Nigeria. Only a comprehensive discussion of all the historical,¹ political, economic and social problems with which the independent state of Nigeria was confronted in the years between 1960 and 1966 would disclose the fact that a unified Nigeria never existed. In our context it would be helpful to describe how the main African and non-African political actors who became involved in the solution of the Civil War in one way or another perceived and analysed the problems of this country. Their perception of the crisis and its background must have undoubtedly influenced their policy towards this problem. Although I am aware of the validity of such an approach I nevertheless believe that this cannot be provided for a number of reasons of which the lack of material is the most important one.

The main task of this chapter is to show the degree of involvement of the OAU in the Nigerian civil strife and the impact this crisis had on the OAU as well as its importance for the issue of African Unity. I agree with Cervenka that the "two main principles of the OAU Charter which were put to a crucial test were those of non-interference

1. As Jenkins argues "it is largely the genesis of nation states that explains their degree or lack of integration" R. Jenkins, op.cit., p.49.

in the internal affairs of the states and the respect for the inalienable right to independence."² When it comes to the history of the Civil War I am more concerned with the ramifications of the conflict in terms of the international African state-system than with the internal disorder as such. What must be given, however, are accounts of the strategic and political situation which prevailed at the time of the various OAU meetings and interferences by African politicians in the conflict.³

1) Problems of Nigerian Integration

It was for the Nigerian leaders to try to close the gap between the institutional framework and the socio-economic realities which had bedevilled the First Nigerian Republic and led to a collapse of the "onetime showpiece of decolonizing Africa".⁴ My concern in these introductory paragraphs will be focused on the question of whether or not there was a case for Biafra.⁵ At the centre of the problem lies the question of the applicability of the principle of self-determination in the case of Nigeria-Biafra.⁶

Surveying some of the literature that has been written analysing the factors which hampered the process of

2. Z. Cervenka, op.cit., p.192.

3. Kirk-Greene indicates that "objective research may have many years to wait until reason is restored in men's mind and the total archives of both sides are freely and fairly open to public examination." in: A.H.M. Kirk-Greene, Crisis and Conflict in Nigeria, A Documentary Sourcebook 1966-1970, 2 Volumes, London, 1971, Vol.I, p.VIII.

4. Ibid., p.VII.

5. see K.W.J. Post, "Is there a Case for Biafra?", in: International Affairs, Vol.XLIV, no.1, Jan. 1968.

6. Tackling this problem I will mainly rely on two articles by Post and Panter-Brick.

integration and the emergence of 'one Nigeria', authors tend to vary as far as emphasizing the main reasons are concerned. They nevertheless seem to be in agreement that the Nigerian experiment failed because - as Post put it - "the 'political frame' left by the British proved unable to withstand the centrifugal pressures of the 'political facts'."⁷ In as much as such an approach and an analysis along this line will be useful it indicates by no means a factor unique to Nigeria. The history of post-colonial Africa is a record of failures of the inherited political systems to withstand the pressures put upon it by the indigenous participants in the power struggle. In Nigeria as in the great majority of African states O'Connell's contention is borne out: "once independence comes the African politicians immediately shift their emphasis to the struggle for power, and then encounter the distortions that they accepted in order to speed the coming of independence."⁸ Nigeria equally shared with other states the fact that they were unable to yield a "territorial-wide organization incorporating and containing the existing pluralism" in the pre-colonial days.⁹ In most cases the period of anti-colonial struggle for independence was too short to construct an integrative force containing

7. K.W.J. Post, op.cit., p.29.

8. James O'Connell, "The Inevitability of Instability", in: Journal of Modern African Studies, vol.V, no.2, Sept. 67, p.182.

9. Carl J. Rosberg, op.cit., p.82.

the important sectors of the country. Many African countries made good some of these drawbacks by generating a single national leader whose amount of prestige and authority made him become "accepted by a majority of key groups and factions and recognized as superior to other leaders"¹⁰ and thus enabled him to play an important part in managing the problem of national identity: in Nigeria none of the leaders was able to fulfil such a task.

The country gained independence under a federal system combined with a parliamentary system modelled on the British example. Given the specific historical and ethnic realities of this vast country, a federal system based on administrative divisions carried over from the colonial period seemed to have been the only solution available to guarantee the unity of this heterogeneous territory. The Nigerian Constitution was not superimposed by the British Government but derived formative influences in its framing from the Nigerian political leaders. The Nigerian leaders had consciously worked for a federal structure.¹¹

As a unit Nigeria had a comparatively short history. It was only in 1914 under the Governor General Lord Lugard that Northern and Southern Nigeria came to be known as the united Colony and Protectorate of Nigeria. In this

10. Ibid., p.84.

11. A.H.M. Kirk-Greene, op.cit., vol.I, p.3; see also J. O'Connell, "Political Integration: The Nigerian Case", in: A. Hazlewood, op.cit., p.158 and John P. Mackintosh, Nigerian Government and Politics, London, 1966, p.17.

territory some 250 languages and dialects are spoken but two-thirds of the population speak only three languages between them. This is one of the factors which divides the three main groups: the Hausa-Fulani in the North, the Yoruba in the West and the Ibo in the East. In addition to the division along language lines these peoples are separated from one another by the "most deep-seated beliefs, values and social structures."¹²

During the colonial period each area and each tribal group within these areas developed along a different path.¹³ Sub-national identities emerged and were re-inforced. Many authors put the blame for such a development squarely upon the British colonialists. As an example one might quote Post:

"Indirect Rule, Lord Lugard's baleful gift to Africa, created the Native Authority System which envisaged Nigeria developing as a hotch-potch of local government units of varying sizes: far from creating any sense of transcending loyalties, it even emphasized differences within ethnic groups. Thus much of the 'nationalism' which developed took as its focus the ethnic group as such, rather than Nigeria as a totality." ¹⁴

Although this is correct as an overall assessment of the Nigerian colonial history it needs some qualification. The picture in the late 1940's and the 1950's - the formative years for the elaboration of the Nigerian

12. K.W.J. Post, op.cit., p.27. As Jenkins points out, it is not the heterogeneity of her people as such which caused the problems of unity and a threat of secession in Nigeria, but the factor that the differences were additive and did not criss-cross over one another. see R. Jenkins, op.cit., p.51.

13. J. Woronoff, op.cit., pp.395-396.

14. K.W.J. Post, op.cit., p.28; see also Frederick Forsyth,

Constitution - showed a North whose "feudal and reactionary" rulers expressed "rejection of the whole ethos of unity".¹⁵ Her masses were not interested in a unified Nigeria in which they feared to be dominated by the more dynamic peoples of the South.¹⁶ The Ibos and their elite had emerged as the country's "most modern, progressive, nationally-oriented people".¹⁷ They became the advocates for pan-Nigerian nationalism and unity.¹⁸ The Ibos were quick in absorbing Western education which made them ready to take jobs in the urban centres in their own area as well as in the West and the North. By 1960 the Ibos had become "the major source of administrators, managers, technicians and civil servants for the country, occupying senior positions far out of proportion to their numbers."¹⁹ While the migrants from the East became assimilated in the Western part of the territory, in the North they lived segregated from the people in this area.²⁰ Since the colonial era the Ibos have been more open to change, more mobile, and more nationally oriented as compared to the Hausa-Fulani and Yoruba.²¹

The Biafra Story, Harmondsworth, Middlesex, 1969, p.16:
"In the 60 years from Lugard to Independence the differences in religious, historical and moral attitudes and values between the North and the South, and the educational and technological gap, became not steadily narrower but wider."

15. A.H.M. Kirk-Greene, op.cit., Vol.I, p.3.
16. J. Woronoff, op.cit., p.396.
17. Paul Anber, "Modernisation and Political Disintegration: Nigeria and the Ibos", in: Journal of Modern African Studies, Vol.V, No.2, Sept. 1967, p.167.
18. C.G. Rosberg, op.cit., p.90.
19. P. Anber, op.cit., p.172.

Nigeria became independent as a Federation in 1960. The North was not prepared to accept any other constitutional arrangements but welcomed the federal system because the regional set-up guaranteed a built-in majority for the North. It was by far the largest region in space and population and thus able to outnumber the Southerners.²² The future development of Nigeria was burdened with an unequal degree of modernisation reached by her tribal groups. The Ibos being undoubtedly the most advanced group were thus necessarily more prone to frustration when their expectations in the system were not fulfilled. Their nationalism became more and more Ibo-nationalism in the course of the First Republic. "Modernity brought the Ibos a self-consciousness and distinction as a people that they never had before, heightening their tribal loyalties and finally resulting in demands for their own state."²³

The tribal diversity and social heterogeneity which prevailed in Nigeria did not need to lead inevitably to a collapse of the experiment. It was due to the failure of the constitutional set-up to minimize the effects of the regionally based power structure with its centrifugal forces.

20. F. Forsyth, op.cit., p.17.

21. P. Anber, op.cit., p.167.

22. J. Woronoff, op.cit., p.397. When the Northerners agreed to join the Federation they intended "not to be co-equal partners in the federation but to be dominant over them" i.e. the Southerners. see P.C. Lloyd, "The Ethnic Background to the Nigerian Crisis", in S.K. Panter-Brick, Nigerian Politics and Military Rule: Prelude to the Civil War, London, 1970, p.9.

23. P. Anber, op.cit., p.178.

The constitutional frame was formed without enough consideration being given to "how it was likely to work in practice and how far the structure would be affected by the activities and outlook of the Nigerian parties and their leaders".²⁴ "As in all federations, the practice and development of party politics has had an effect on the distribution of power arranged by the Constitution."²⁵ This is not to say that the constitution with its elaborate system of checks and balances as such was bad.²⁶

Given all the ethnic, social and historical facts, the history of the First Republic pointed up the incompatibility of Nigerian federalism with the Westminster parliamentary model. This is not an intrinsic incompatibility, but it was in the case of Nigeria, which did not have integrative national parties which are needed in a Federal system. Instead, the Nigerian parties remained regional parties; according to Mackintosh the regional character of the parties even increased during the years of Nigeria's independence.²⁷ Their strongholds were the regional governments. A system emerged in which not only regional politics were monopolized by the tribal units but also national politics. "Regional issues were repeatedly given precedence over national causes, and the

24. J.P. Mackintosh, op.cit., p.37.

25. Ibid., p.63.

26. F. Forsyth, op.cit., p.23.

27. J.P. Mackintosh, op.cit., p.65.

federal government was left to sort out the differences."²⁸

The essence of British parliamentary democracy is the interplay of government and opposition. In Nigeria this was unable to operate owing to the regional nature of the Nigerian party system. This system undermined the assumption upon which the Westminster model is based. Each party loathed the idea of forming the opposition since it meant being cut off from power at the Centre and thereby excluded from having a say in the allocation of Central resources for the development of their respective regions. No wonder that leading politicians both from the East and the West like Dr. Okpara and Chief Akintola pressed for all-party governments in order to guarantee economic development all over the country. These ideas were rejected by the North who had a majority in the parliament and government anyway and did not fear any exclusion from power.²⁹

It must be seen as the crucial point of explanation for the failure of the Nigerian Federal system that the country's split into three, later four, regions with its "ambiguous division of powers"³⁰ obstructed overall planned economic growth. As far as development capital went "there were no fixed guidelines for its distribution between regions and the process therefore involved in a kind of

28. J. Woronoff, op.cit., p.398.

29. J.P. Mackintosh, op.cit., p.40.

30. Reginald H. Green and Ann Seidman, Unity or Poverty?, Harmondsworth, Middlesex, 1968, p.35.

political free-for-all".³¹ Each region was competing with the others for economic resources and the big problem was the co-ordination between the Federal and the regional governments. The closer the connections between the political leaders in Lagos and a region were, the better for the development of this region. The picture that emerged in reality showed a Federal Government which was the focus of regional rivalries as far as economic policies were concerned. "In terms of the economy, each region had tended to develop as a separate economic entity, with its own series of development plans, and the attempt to co-ordinate these after independence met with very little success."³²

The main political entities in the country which could have acted as centripetal forces - the political parties - were led by a political elite who used party politics to foster the interests of the Nigerian bourgeoisie.³³ The elite in each region tried to secure its influence by appealing to ethnic sensibilities. "Tribalism has been their most trustworthy weapon against change."³⁴ In order to gain and retain as much influence as possible the leaders were not kid-gloved when it came to using means in order to make their political ends meet.

31. K.W.J. Post, *op.cit.*, p.29 "Politically, since the regions derived between 65-75 per cent of their revenue from federal payments their governments employed every possible pressure on the federal government to improve their own position."

32. *Ibid.*, p.30.

33. Richard L. Sklar, "Political Science and National Integration - A Radical Approach", *Journal of Modern African Studies*, vol.5, no.1, 1967, p.6.

Manipulation of local power as well as of censuses and elections helped ruin the political system and undermine the confidence of the Nigerian people in the existing system. In the end the system collapsed not because of the ethnic heterogeneity of the country or the incompatibility of the federal structure and the Westminster Model, but because the political elite did not stick to the rules of the game.³⁵ Or, as Lloyd has put it, "The scale of ethnic differences does not determine the degree of hostility between the groups. The hostility derives.... from competition between peoples for wealth and power!"³⁶ Basil Davidson likewise rejects the concept of "tribalism" as "perfectly inadequate" to explain the Nigerian problem. For him the crisis was mainly one "of traditional modes of political life and attitudes at grips with modern problems and demands!"³⁷

The preceding remarks have only touched upon some of the roots of the breakdown of the Federation. They are background material for the cause of secession. For obvious reasons we cannot provide what Kirk-Greene regards

34. Ibid., p.6. Sklar proposes "that tribalism should be viewed as a dependent variable rather than a primordial political force in the new nation", p.6.

35. See J.O. Akintunde, "The Demise of Democracy in the First Republic of Nigeria: A Causal Analysis", in: ODU, vol.4, no.1, July 1967. He tries to explain the Nigerian dilemma in terms of the existing discrepancy between the political and economic prerequisites of a democratic system in the Western sense in Nigeria, p.6.

36. P.C. Lloyd, op.cit., p.5.

37. B. Davidson, op.cit., pp.150-151.

as necessary "in any evaluation of the causes of the Nigerian débacle", namely to trace back "a seemingly endless chain of antecedents and reactions to actions".³⁸ A mere review of basic dates would not explain much while a detailed chronological analysis would be beyond the scope of this thesis.

2) The Principle of Self-Determination in the Nigerian Case

What seems to be useful and appropriate at this point of the discussion is an examination of the general principle of self-determination in the Nigerian context. This is a problem Africa's "peace-makers" are confronted with whenever they become involved in inter-African conflicts. It will be recalled that it was argued in the previous chapter - dealing with the principle of self-determination as far as border disputes are concerned - that the prevailing attitude among Africa's leaders is to deny the invocation of the principle after independence has been attained. It amounts to the question about "the degree of finality with which the right to self-determination was exercised at the time of achieving independence from colonial rule."³⁹

In the case of Biafra there is the problem of timing of the secession, and this seems to be a crucial point in

38. A.H.M. Kirk-Greene, op.cit., vol.I, p.13. The crucial time between the first coup in January 1966 and the secession of Biafra in May 1967 is dealt with by S.K. Panter-Brick. See his article "From Military Coup to Civil War, January 1966 to May 1967", in: Nigerian Politics and Military Rule, op.cit., 1970.

39. S.K. Panter-Brick, "The Right to Self-Determination: Its Application to Nigeria", in: International Affairs vol.XLIV, No.2, April 1968, p.254.

answering the aforementioned question. Panter-Brick points out that "the act of secession on the part of Biafra is a re-assertion of the right to self-determination, a right which its inhabitants might be deemed to have exercised already, in 1960, at the moment of Nigerian independence."⁴⁰ Biafra's claim for separate, independent existence outside the Federation was only launched six years after Nigeria had ceased to be a British colony. Prior to secession the East "had tried to make the system work - albeit often with impure motives on the part of its civilian leaders."⁴¹ It is impossible to deny that the Easterners were as firmly - or as little for that matter - committed to support the integrity of Nigeria as the peoples in the other parts of the country. This picture need not be altered even if one agrees with O'Connell that the elite in the East lacked this deep commitment after the 1966 massacres. They pushed for secession because they believed that "the East had the human and economic resources to become a model state".⁴²

In most other African secessionist movements claims were voiced right from the beginning of independence. All, however, including Biafra, seemed to share the same motive for their claims, namely, that a peaceful living together

40. Ibid., p.256

41. K.W.J. Post, op.cit., p.32.

42. J. O'Connell, "The Scope of the Tragedy", in: Africa Report, Vol.13, No.2, February 1968, p.10.

under one government in the inherited framework proved impossible. Separation would be the only answer given the ethnic heterogeneity of the people. Panter-Brick makes it clear that the political failure of the Federation is not a reason in itself for a sufficient justification of Biafra's secession. He comes to this statement on the grounds that "it would indeed be a dangerous doctrine if it were ever to be accepted that a breakdown of the political system ipso facto provided a right to break up the state."⁴³

Panter-Brick draws attention to yet another problem involved in the assertion of self-determination, the question of size of the political entity. If the granting of self-determination brings about a new unit, the question is raised about the viability of the new state. Although there can be no general answer to the question of what constitutes the minimum size, population and resources which are necessary from a practical point of view for an independent existence of a state, it is beyond doubt that Biafra would be able to survive on its own.⁴⁴

When the Easterners decided to go it alone their country was better equipped than most of the other independent West African countries. The country had a population of about 14 million people which made it bigger than any other present West African country. Compared with many other developing states it had a cadre of well-trained

43. S.K. Panter-Brick, "The Right to Self-Determination", op.cit., p.257.

44. K.W.J. Post, op.cit., p.37.

people. And it had oil as one of its major resources.⁴⁵ It would be difficult to find arguments which could prove that a "balkanization" of Nigeria would have been detrimental to the people in the East as far as their economic prospects were concerned.

But the question of size also has pan-African connotations. This is the ideological side of the coin. As indicated in previous chapters it has been a tradition in the pan-African movement to condemn any form of "balkanization" and blame its results on the colonialists and neo-colonialists. The attitude adopted amongst the OAU members made it clear, however, that they accepted the inherited territorial status quo. And while they showed their hostility towards further fragmentation, they are at least theoretically not opposed to any "amalgamation of existing states into larger units." "The right to self-determination is something which may legitimately still be exercised, but only in a one-way direction!"⁴⁶ Following this line of argumentation Biafra did not stand any chance whatsoever to secure the sympathy of the African states.

This sympathy would be likewise impossible to obtain if those who pressed for self-determination could be denounced of being 'tribalists'. If the Ibos could have been accused of tribalism as their motive for advocating

45. K.W.J. Post, op.cit., p.37.

46. S.K. Panter-Brick, "The Right to Self-Determination", op.cit., p.258.

48. Ibid., pp.252-266.

the principle of self-determination, their claims would have become completely unacceptable to African political leaders who at least at face-value have declared war on such out-moded and dangerous attitudes. As Panter-Brick points out "many a popular movement in contemporary African society has little to do with tribalism in this conservative sense"⁴⁷ i.e. tribalism based on historic divisions little permeated by modernizing influences. As contended earlier on in this chapter, it was in the course of modernization and settling all over Nigeria that the Ibos became fully aware of their homogeneity as a group distinct from other peoples in that country. When the Ibos, after the events in 1966, thought they had lost their dignity and status, they claimed self-determination in order to regain it in a political entity of their own.

What has been said so far does not run either unequivocally for or against the Ibos' right to secession as an expression of self-determination. Those who are against any change in the territorial make-up of the African continent contend that Africa is a powder-keg in the sense that any concession made in one country to the principle of self-determination will lead to explosions in other parts of the continent. This implied that Biafra needed to prove that hers was a special case whose circumstances did not apply to any other country. Only if other African

47. Ibid., p.258.

48. Ibid., pp.262-266.

leaders could have drawn the conclusion that the situation prevailing in Nigeria is not applicable to their own countries was there any chance that they might forget their apprehension and come out with statements in favour of the Biafran quest.

Panter-Brick lists some arguments which suggest that Biafra cannot establish itself as a special case.⁴⁸ Foremost, he points out one major ambiguity in the Biafran case. While the secessionists placed their demand for independence on the grounds of Ibo ill-treatment in the Republic of Nigeria, they did not confine their claim for independence to the Ibo people. They proclaimed secession for the whole area of the Eastern Region. This Region did not only consist of eight million Ibos but also included five million non-Ibos, who may have feared Ibo domination in an independent Biafra.

Nevertheless, Biafra's independence was called for "not just on behalf of Ibos and those who considered themselves equally affected. Herein lies the ambiguity in the Biafran case, an ambiguity which reflects a familiar difficulty characteristic of all claims to self-determination. It is not possible to assert a claim to self-determination without asserting a claim to certain territory."⁴⁹ By the same token Biafra is - on a smaller scale - as much an artificial creation as Nigeria, each encompassing a considerable variety of peoples. If the breaking away of the Eastern Region means self-determination

49. Ibid., pp.262-263.

for the Ibos it does not have the same significance for the minority tribes in this area. "Because Biafra's case and Nigeria's case are both of the same order, both may be said to face the same problem, that of securing from diverse peoples acceptance of a common sovereign central authority."⁵⁰ For the Biafran leaders to secure this acceptance was not only important for the moral justification of their demands but it was also vital for Biafra's capacity to survive economically, because the territory of the minority groups contains two-thirds of the oil of Biafra.⁵¹

Biafra's leaders could at no time claim to have the unequivocal support of the minority peoples. Although these groups had their grievances about the way the First Republic had worked, they did not share the Ibos' apprehension because they had not been subject to killings and did not feel threatened by the other groups.⁵² The policy of the Biafran leaders to woo the minorities to their cause by giving them a fairer share in the administration of their communities is not undisputed as far as the success of this policy goes. Why should the non-Ibos prefer to live in an Ibo-dominated country rather than in the bigger Federation? Biafra's ethnic composition could

50. Ibid., p.263.

51. K.W.J. Post, op.cit., p.38.

52. S.K. Panter-Brick, op.cit., p.264.

53. A.H.M. Kirk-Greene, op.cit., vol.I, p.97.

only disfavour the Ibo claims of self-determination. If the Ibo leaders had restricted their demands to the new South-Eastern State they would have reduced Biafra to "nothing more than an impoverished, landlocked, over-populated Ibo province."⁵³

When all is said the Biafran question is yet another example of the fact that there are no incontestable factors on which to ground the right of self-determination for a people. The Biafrans could not prove beyond any doubt that secession was the only remedy to avoid a repetition of the 1966 massacres. It is ultimately a political question whether or not one believes that the partitioning of Nigeria into smaller territorial units would ease the political problems in this part of Africa. And it furthermore was a matter of how the African and non-African leaders involved would interpret their interests and the way in which they would benefit best from the potential wealth of the country.

3) Mediation Attempts 1967-1968

It must have been evident to Africa's leading statesmen ever since the continuous crisis which bedevilled Nigeria's political life reached its climax in the two coups in 1966, that trouble in one of the most important countries on the continent must have repercussions not only for the internal situation of this state but also for the African community of states as a whole. Although the first

53. A.H.M. Kirk-Greene, op.cit., vol.I, p.97.

official consideration of the Nigerian problem by the member states of the OAU only came in September 1967 in the course of the summit meeting in Kinshasa.⁵⁴

Early Peace Initiatives

African statesmen intervened more or less directly in order to help find a peaceful solution before and after secession had taken place on March 30, 1967. President Tubman of Liberia was reported to have called for the assistance of the OAU to help solve the Nigerian crisis in September 1966 at a time when the Federation was crumbling further each day. This step taken by one of the elder statesmen in Africa was then welcomed by Lagos as "'a brotherly but premature gesture' in contrast to the brusquer treatment meted out to such appeals a year later."⁵⁵ Tubman must have been aware that such a proposal could be interpreted as interference in the internal affairs of a country, something the OAU member states pledged themselves to abstain from in Article III,2 of the OAU Charter, but he probably felt that the intricate situation would justify mediation from outside, given that Nigeria's leaders agreed to such a step. However, nothing came of Tubman's initiative.

The African politician who became directly involved before the outbreak of war was Ghana's General Ankrah, who showed himself prepared to mediate among Nigeria's opposing factions. He invited them to come to Aburi in Ghana for talks. Ankrah's invitation removed one obstacle to a

54. Z. Cervenka, op.cit., p.195.

55. A.H.M. Kirk-Greene, op.cit., vol.I, p.59.

meeting between Ojukwu and his fellow-members of the Supreme Military Council. Ojukwu was not prepared to convene somewhere in Nigeria believing that safety for himself and his delegation could not be guaranteed.⁵⁶ Ankrah, however, did not take part in the discussion between Gowon and the four military governors. Whether or not an agreement had been reached at Aburi became relatively unimportant - according to Kirk-Greene they agreed on "back to 14 January"⁵⁷ - because soon after Aburi the results of this meeting "degenerated into an additional source of disagreement, for what was actually decided at Aburi itself became a matter of some dispute."⁵⁸ Taking this and the disastrous developments that followed into account, it was just as well that Ankrah's name was not more intimately connected with the results of this meeting. It would not have helped to strengthen the cause of those who were advocates of African mediation.

When all attempts to find a compromise between the Federal Military Government and Ojukwu failed, he declared the Eastern Region an independent state - the Republic of Biafra - on May 30, 1967. He declared that the Biafrans would be "prepared to enter into such association, treaty or alliance with any sovereign state within the former Federal Republic of Nigeria and elsewhere on such terms and

56. Ibid., p.75.

57. Ibid., p.75. The Final Aburi Communiqué is reprinted in: Ibid., pp.313-314.

58. S.K. Panter-Brick, "From Military Coup to Civil War", op.cit., p.35.

conditions as best to subserve your common good."⁵⁹ The fighting started over a month later on July 6, 1967, after economic and other measures taken by the Federal Government to crush the secession failed.⁶⁰

After secession and the outbreak of a full-scale war rather than a 'police action' against the rebels, the question of a solution to Nigeria's crisis reached such international proportions that it could no longer be ignored by Africa's leaders. Any further move of intervention or a deliberate abstention from any attempt to reconcile was undoubtedly influenced by the way the politicians evaluated the situation in Nigeria and its repercussions for their own countries, the OAU and African unity.

According to Woronoff, there was a degree of uncertainty of how to evaluate it among African politicians.⁶¹ Those who were reluctant to become involved could always fall back on the argument that the Nigerian-Biafran war was a domestic affair not within the competence of the OAU. Of course this is a debatable argument which could not stop those who wanted to comment on the situation from doing so. The war not only very quickly became an inter-African political issue but also grew into a problem of international standing with the involvement of the big powers. The African leaders could no longer remain aloof.

59. Quoted from Ojukwu's Declaration of Independence, reprinted in A.H.M. Kirk-Greene, op.cit., vol.I, pp. 451-453.

60. J. Woronoff, op.cit., pp.404-405.

61. Ibid., p.407.

For Post there is no doubt that Africa's experience of the Katanga secession must have influenced the attitudes towards Biafra.⁶² This seems to be convincing. The Katanga secession - occurring immediately after independence without the attempt to make the larger unit work - was "an obvious manoeuvre by neo-colonial interests".⁶³ However, there are important differences between "Biafra" and "Katanga".⁶⁴ While in the Congo crisis conservative and progressive attitudes were easy to discern, in the Nigerian case the situation was different. For the African leaders it was not a conflict between feudal, reactionary North and the more advanced East of Nigeria or between independent Nigerian leaders and imperialist stooges, but a tribal feud.⁶⁵

It will be shown later on in this chapter that those African statesmen who came out in favour of the Biafran quest belonged to different 'ideological' camps. "Secession, more than revolution, frightened the African states. They all had their own dangers of tribalism and separatism. And they came out unanimously against the threat. This was true of both the moderates, traditionally in favour of the status quo, and the radicals. But there were definite nuances."⁶⁶ These 'nuances' were discernible right from the beginning of secession. While Egypt and the Sudan sold the Federal

62. K.W.J. Post, op.cit., p.32. As Kaye Whiteman puts it: "No matter how much evidence can be produced of the genuine popular backing for secession in Biafra, Ojukwu and his colleagues cannot escape the Tshombe shadow." Kaye Whiteman, "The OAU and the Nigerian Issue", in: The World Today, vol.24, no.II, November 1968, p.450.

63. K.W.J. Post, op.cit., p.37. He says that: "Katanga's secession was backed by Union Minière and the Belgian troops; despite some hesitation, the oil companies have refused to back Biafra, and Britain supports the regime

Military Government a number of aircraft - some of them piloted by Egyptians⁶⁷ - other states kept silent or contented themselves with statements of support for Gowon and his policy. The Emperor Haile Selassie is reported to have sent a message to General Gowon pledging that Ethiopia would never favour any policy detrimental to Nigeria's unity.⁶⁸ However, two days after the fighting broke out, the Emperor, together with Presidents Kaunda, Kenyatta, Nyerere and Obote, appealed to both sides at a meeting in Lusaka "to halt the fighting and reopen discussions".⁶⁹ This joint request was probably inter alia initiated by Kaunda's appeal launched on June 24, 1967, asking African leaders to help solve the Nigerian crisis.⁷⁰

The OAU - created to serve as a peace-maker - remained silent although the war escalated quickly and the intervention of foreign powers became apparent. All that was heard was a statement by the OAU Secretary-General, made on the occasion of a courtesy visit to Lagos, emphasizing that there was "no single disagreement" on the Nigerian crisis among Africa's leaders. They believed it to be a domestic problem of Nigeria.⁷¹

of General Gowon." Ibid., p.32. See also V.B. Thompson, op.cit., p.308.

64. See West Africa, vol.51, no.2609, 3 June, 1967, p.713.

65. K. Whiteman, op.cit., p.449.

66. J. Woronoff, op.cit., p.407.

67. Ibid., p.407.

68. West Africa, vol.51, no.2611, 17 June 1967, p.806.

69. J. Woronoff, op.cit., p.407.

70. West Africa, vol.51, no.2612, 24 June 1967, p.838.

71. West Africa, vol.51, no.2616, 22 July 1967, p.970.

This emphasis on the domestic nature of the problem gave the inactive OAU an excuse for not getting involved. At this time of the crisis a statement like Diallo Telli's must have been to the liking of the Federal leaders who were not interested in OAU involvement. Only very shortly after the outbreak of the war Radio Nigeria sent out warnings to the African states that any support for Biafra would be considered as a hostile act by the Nigerians apart from being a nail to the coffin of the integrity of other African countries.⁷² Diallo Telli called for an extraordinary OAU meeting in order to discuss the Middle East and the use of mercenaries without suggesting that the Nigerian problem should be on the agenda as well. The OAU refused to consider the situation in spite of the months of fighting. Since it had been established as a "peace-maker" in Africa, its refusal to act put its usefulness into discredit.⁷³

The OAU Assembly in Kinshasa

What was the situation like in the war-stricken country at the time of the scheduled meeting of Heads of State and Government on September 10-14, 1967? Gowon and the Federal Government were in a strong position at this time. Ojukwu's troops had launched an attack into the Mid-West capturing the capital Benin and bringing his forces within little more than a hundred miles from Lagos, but when

72. A.H.M. Kirk-Greene, op.cit., vol.II, p.3.

73. J. Woronoff, op.cit., p.408.

74. See H. Nagel and E. Hoffmann, The World Today, vol.22, 22-23, 24.

they hesitated to move on to the Federal capital, they gave the Federal troops the chance to counter-attack and regain control over the territory in a short time. On September 2, 1967, when Gowon broadcast to the nation, he was in a strong position again. The Federal troops had managed to occupy half of the Biafran territory.⁷⁴ He announced that as far as he was concerned the fighting could stop immediately and negotiations could start if the Biafrans agreed: "a) to remain part of Nigeria and give up secession and b) accept the new structure of the Federation based on the twelve states, including the South Eastern and Rivers states." Gowon refused, however, to accept Ojukwu as negotiation partner.⁷⁵ Summed up in one sentence, the Federal Government was in a favourable position. Ojukwu had all the odds against him. Nevertheless, he had made it clear that the prerequisite of negotiations for Biafra would be nothing less than the recognition of her sovereignty.⁷⁶

When the conference met there was no way of concealing the disagreement which prevailed among the African states whether or not the OAU should be concerned with the civil war in Nigeria.⁷⁷ Following the letter as well as the spirit of the OAU Charter, the prohibition against interference in the internal affairs of states barred the OAU

74. A.H.M. Kirk-Greene, op.cit., vol.II, p.12.

75. See text of Gowon's broadcast, Ibid., pp.166-168.

76. Ibid., p.12. Ojukwu released a White Paper on 29 August 1967 in which he defined the areas of future co-operation between Biafra and the rest of Nigeria. Reprinted ibid., pp.163-165.

77. See R. Nagel and R. Rathbone, "The OAU at Kinshasa", in: The World Today, vol.23, no.11, Nov. 1967, p.476.

from involvement in this intra-state conflict. On the other hand critical voices were heard in Africa about the OAU's obvious failure to do something to solve the crisis. "Anybody who still regards the crisis as an 'internal affair' is simply not being sincere. The OAU must do something to break this conspiracy of silence."⁷⁸

Meanwhile, Lagos was busily campaigning to keep the item off the agenda, arguing that the whole problem was an internal Nigerian affair in which they would not consent to any interference from outside. This campaign was successful enough to keep the preceding Council of Ministers conference from discussing the matter.⁷⁹ At that stage no African government had yet recognized the secessionist regime of Biafra. When the Heads of State and Government assembled they must have been aware that nothing less than the credibility of their African organization was at stake. If they ignored the Nigerian problem they would only nourish the criticism voiced about the impotence of the OAU in the face of that devastating war.

It is difficult to assess what made the African leaders discuss the Nigerian war in the end.⁸⁰ Was it the awareness that the reputation of their organization would suffer or was it the pressure put on the African statesmen from sources outside Africa? Kirk-Greene reports that

78. Onyemaeke Ogum, "Nigeria: Africa's Problem", in: Legon Observer, vol.II, no.18, 1-14 September 1967, p.7.

79. J. Woronoff, op.cit., p.408; and R. Nagel and R. Rathbone, op.cit., p.481.

Lord Brockway - the leader of the Movement for Colonial Freedom - had "written to all heads of African States urging on them the need for a goodwill mission to be quickly sent to Nigeria and Biafra."⁸¹ How much was their decision influenced by Biafra's constant pressure for an 'internationalisation' of the conflict, making it become a crisis that concerns the whole community of African states and not only Nigeria? If the leaders did not deal with it, they opened the gates wide for non-African intervention. As the examples of the border conflicts in the previous chapter have shown, this is a threat which Africa is afraid of and tries to prevent.

Biafra did everything to lobby during the meeting. Her representatives tried "to acquaint the African Heads of State with the Biafran point of view".⁸² The former Eastern Region's Premier, Dr. Okpara, equipped with much literature, sustaining the Biafran Government's point of view of the crisis, was seeking every opportunity to speak with Africa's leaders outside the conference hall.⁸³ In a comment in West Africa it is suggested that the Nigerian question "was very much subject for the corridors and not the general debate".⁸⁴ According to Kirk-Greene, the Biafrans managed to secure some success among anglophone East and Central African leaders who were in sympathy with a move towards mediation.⁸⁵

80. This act, by the way, provides one of the few examples in the short history of the OAU in which the Assembly preoccupied itself with a conflict not previously discussed at the Council meeting. See M. Manigat, op.cit., p. 393.

81. A.H.M. Kirk-Greene, op.cit., vol.II, p.13.

It seems likely that a combination of all these factors and others eventually made the conference talk about the Nigerian problem. There was surely also the humanitarian aspect which made the leaders act, although it would be getting the priorities wrong to state - as Cervenka does - "that the reasons for the Assembly's decision to adopt a resolution on Nigeria were humanitarian rather than political".⁸⁶ The carefully worded resolution which was adopted on September 14, 1967, was undoubtedly a political statement. In their resolution⁸⁷ the African politicians adhered to the principles of respect for the sovereignty and territorial integrity of member states and condemnation of secession. They emphasized that they regarded the crisis as an internal Nigerian affair. Moreover, they reposed their confidence in the Federal Government, but they also showed their readiness to place the services of the OAU at the disposal of the Federal Government. In order to put this promise into practice they set

82. Z. Cervenka, op.cit., pp.195-196.

83. The Biafran Memorandum circulated to Heads of States at the OAU meeting in Kinshasa is reprinted in A.H.M. Kirk-Greene, op.cit., vol.II, pp.168-171. Apart from giving the Biafran historical interpretation of the events which led to the war, it tries hard to emphasize the uniqueness of the Biafran case.

84. West Africa, vol.51, no.2624, 16 September 1967, p.1218.

85. A.H.M. Kirk-Greene, op.cit., Vol.II, p.13. This attitude is also reflected in the East African press at that time.

86. Z. Cervenka, op.cit., p.196.

87. Reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.172-173.

up a consultative mission of six Heads of State representing Liberia, Cameroun, Congo (Kinshasa), Ethiopia, Ghana and Niger. The role of this mission was to go "to the Head of the Federal Government of Nigeria to assure him of the Assembly's desire for the territorial integrity, unity and peace of Nigeria."⁸⁸

At first sight, it seems that the Federal Government had scored an unequivocal victory. The resolution did endorse the Federal point of view that the crisis was an internal matter. In fact, it could not have been worded more prudently in order to avoid any suspicion of intruding in the domestic affairs of a member country. There was no question of direct mediation. The Organization would have been incapable of imposing such a measure on a member government. Mediation would have been difficult anyway because the deliberations of the Assembly showed a definite anti-Biafran bias. In spite of the feeling prevailing among the states that the conflict in Nigeria was contagious, no efforts were made to reach a quick settlement through the mediation of the OAU.

If it is true, as West Africa reported, that the Nigerian delegation was directly involved in the wording of the final resolution and that telephone contact was made with General Gowon to seek his consent, the one-sidedness of the text comes as no surprise.⁸⁹ Following the spirit as well as the letter of the OAU Charter, the member states of this Organization had no option but to come forward with

88. A.H.M. Kirk-Greene, op.cit., vol.II, p.173.

89. West Africa, vol.51, no.2625, 23 September 1967, p.1223.

the sort of statement which was passed unanimously. But, if the Federal Government was delighted with the text, the fact that the Assembly concerned itself with the war ran against Lagos' wishes. She had previously objected to any kind of outside interference into a problem which she regarded as entirely domestic.⁹⁰ On the other hand it was no small fish to secure, as she did, the unequivocal condemnation of Biafra's secession from the community of African states. This could indeed strengthen the international position of the Federal Government, as non-African states would perhaps be more reluctant to openly back Biafra, a move which could be interpreted by Africa's leaders as detrimental to their interests. Lagos surely hoped for international isolation of the rebel regime.

The resolution itself contained nothing to encourage the Biafrans. The principle of self-determination was not mentioned.⁹¹ But the Biafrans did not leave Kinshasa completely empty-handed. Even if the African odds were heavily loaded against Biafra, the fact that the Nigerian problem was discussed on an international African level was what the Biafrans had been pressing for. Ojukwu indicated his satisfaction about the outcome of the Kinshasa summit in a broadcast on September 29, 1967:

"The world still understands our case. Our sister African countries know as well. That is why, despite the efforts of Gowon and his

90. A.H.M. Kirk-Greene, op.cit., vol.II, p.13.

91. We know from earlier discussion that Africa only agreed to apply this towards colonial territories.

92. J. Weranoff, op.cit., p.409.

93. Ibid., p.410.

aides, to exclude the discussions or even the mention of our war with Nigeria during the last meeting of the OAU, members of that organization felt obliged to discuss the matter and appoint a committee to look into it." 92

Furthermore, at least at this particular moment in the development of the war, if the OAU mission was to achieve anything it could not be done with complete disregard of the Biafran side. That in its turn would involve some form of recognition of the de facto existence of a government in control of the former Eastern Region of Nigeria. In any case the Biafrans were keen to get OAU intervention and they interpreted the task of the mission to be one of mediation.⁹³ The terms of reference of the resolution do not give the slightest support for such an interpretation. It is striking that Enugu was pressing so much for mediation when the Biafran leaders knew that the majority of the OAU members were biased against them. But they felt that once an 'internationalization' of the conflict was achieved, they would stand a chance to convince African governments of the validity of their cause. As Woronoff points out, the question of timing the first meeting of the commission could be a very important factor in increasing the mission's effectiveness and role beyond what had been anticipated at the Kinshasa meeting.⁹⁴ As long as there was no victory in sight for either party there was a greater chance for a

92. Reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.174-175.

93. J. Woronoff, op.cit., p.409.

94. Ibid., p.410.

compromise settlement. Had they met immediately after Kinshasa, a cease-fire agreement might have been possible.

One might evaluate the Kinshasa meeting as a disappointment because of the bias shown by the African states which could only harden Biafra's obsessive determination. But as Nagel and Rathbone see it: "The fact that the Assembly got the Federal Government to grant even the possibility of such an official involvement from outside was to the OAU's credit."⁹⁵ It remains to be seen whether anything positive was to emerge out of the mission's activities, and how other African attempts outside the OAU as well as outside Africa compare with the mission's efforts.

The First Meeting of the OAU Consultative Mission in Lagos

Although everybody was aware that time was pressing, with heavy casualties increasing the death toll every day, it took the OAU Consultative Mission a considerable time to convene the first meeting. The fact that the mission, including some of the most eminent African politicians, was the most prestigious committee ever to act on behalf of the interests of the African community gave it great prominence.⁹⁶ The continual postponement of the meeting - originally scheduled to take place shortly after Kinshasa - was partly due to Lagos and partly due to the committee's members. The engagements of the leaders seemed to ensure that it would be extremely difficult to find a date which would suit them all.

95. R. Nagel and R. Rathbone, op.cit., p.481.

96. J. Woronoff, op.cit., p.409.

Presidents Tubman and Mobutu, both pleading urgent internal duties, were not present⁹⁷ when the mission finally met in Lagos on November 22, 1967.

At that stage, as at any other during the war, a successful outcome of the mission's task to help end the war depended "ultimately upon the Federal Government's assessment of its chances of military victory".⁹⁸ That in its turn hinged upon the kind of world support Nigeria would get as well as on Biafra's ability to get help from wherever it could.

It is fruitless to speculate what might have happened if the mission had been able to come to Lagos as early as September 21, 1967, as was the intention of the mission's leader, Haile Selassie.⁹⁹

"At that juncture, with the war raging near-by and no victory in sight for either side, the six Heads of State could hardly have limited themselves in their restrictive and almost degrading functions. A compromise settlement might have seemed particularly reasonable... In fact, this would have been the best time to impose a cease-fire or seek a peaceful settlement if any were to be found."¹⁰⁰

It is true that neither side was in sight of military victory at this stage. But the fact remains that Gowon was in a stronger position having occupied half of the Biafran territory. I tend to be less optimistic about the changes for a cease-fire than Woronoff is. But whatever the outcome of an earlier meeting of the commission might have been, the fact remains that the frequent postponements of a meeting did not help to increase the prestige of this OAU-sponsored body.

From the end of September 1967 onwards, with more military equipment coming to the Federal side, the Biafrans were driven

97. S. Chime, op.cit., p.75.

98. R. Nagel and R. Rathbone, op.cit., p.481.

99. A.H.M. Kirk-Greene, op.cit., vol.II, p.14.

100. J. Woronoff, op.cit., p.410.

101. Ibid., p.410.

back into the old Eastern Region. Biafra was attacked at all frontiers and her capital Enugu fell on October 4, 1967.¹⁰¹ Calabar, the important port city, was captured a fortnight later. The impact on the Biafrans, however, was not strong enough to lead to a surrender, and the Federal troops did not succeed in taking Onitsha, Biafra's major commercial and industrial centre.¹⁰² The war dragged on, but no further spectacular military victories for the Federal troops were at hand at the time the OAU mission came to Lagos. The fighting lulled, but both sides had been successful in soliciting foreign aid. The Federal Government acquired full Russian support while Biafra achieved "growing involvement of Portugal", a country which proved "highly effective in organizing a dangerous milk-run of arms supplies".¹⁰³ The military situation had not eased the task of the African Heads of State, nor had the fact that the value of the mission was now debased in the eyes of the Biafran and Nigerian information media, owing to the long postponement.

In his welcoming speech to the members of the mission, Gowon made it clear that he was not prepared to allow the committee much leeway. He reaffirmed that he believed that the African states could be helpful in supporting Nigeria's fight to regain her integrity. "Our true friends are those who publicly and genuinely condemn the attempted secession by a few who have imposed their will on the former Eastern

102. Africa Report, Vol.13, no.1, January 1968, "News in Brief", p.45.

103. A.H.M. Kirk-Greene, op.cit., vol.II, p.17.

Region of Nigeria." He also emphasized again the domestic character of the problem from which he concluded that "your mission is not here to mediate".¹⁰⁴ Add to this that Gowon likewise stated that "the most valuable contribution the mission can make in the present circumstances is to call on the rebel leaders to abandon secession",¹⁰⁵ and it becomes clear that the African leaders were left with no alternative to what they could do. This imposed narrow margin in which the members of the mission were to operate was apparent in Haile Selassie's reply to Gowon. He pointed out that the mission's chief objective was to find ways and means of preserving Nigerian territorial integrity. As Woronoff points out, this does not necessarily mean the mission had to follow the Federal Government's view of solving the crisis. However, it nevertheless committed the mission to the same ultimate goal as Gowon and his government, i.e. the return to Nigeria's national unity. Biafra on the other hand was neither prepared to surrender militarily nor was she willing to negotiate about her sovereignty.

The mission left Lagos the next day after nine hours of discussions with the Gowon Government.¹⁰⁶ The fact that it left it to the Federal Government to issue a communiqué indicated that complete agreement must have been reached

104. Ibid., p.14.

105. Quoted from "Report on the OAU Consultative Mission to Nigeria", Nigerian National Press, 1968, in: J. Woronoff op.cit., p.411.

106. J. Woronoff, op.cit., p.411.

between the mission members and Gowon. Indeed the document revealed that Lagos had it all her way: "The mission reaffirmed the decision of the OAU summit embodied in its resolution condemning all secessionist attempts in Africa" and it also said "that any solution of the Nigerian crisis must be in the context of preserving the unity and territorial integrity of Nigeria". The mission agreed "that as a basis for a return to peace and normal conditions in Nigeria the secessionists should renounce secession and accept the present administrative structure of the Federation of Nigeria..."¹⁰⁷

General Ankrah was mandated by the mission to convey the Kinshasa resolution and the mission's conclusions to the secessionists, and to report back any reactions from Biafra. On the basis of such a report the mission would decide on its further steps. OAU Secretary-General Diallo Telli, who was also present in Lagos, endorsed the result of the meeting. He was pleased that full agreement between the mission and the Federal Government had been achieved on the goal of safeguarding Nigeria's territorial unity.¹⁰⁸

The reaction from Biafra was hostile. The Biafrans, who once pinned their hopes upon African intervention, could no longer look towards the OAU as a mediator because it was all too evident that the organized institution of Pan-Africanism wholeheartedly endorsed the enemy's point of

107. The Communiqué is reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.173-174.

108. Z. Cervenka, op.cit., p.198.

view.¹⁰⁹ Once the Biafrans had understood that they did not stand a chance of help from a body whose politics of intervention was based on principles not acceptable to Biafra, they tried to solicit the mediation of countries which they considered to be more sympathetic to their aims. They justified their withdrawal from Africa by arguing "le conflit n'est pas un problème africain aux yeux du Biafra et l'OUA ne peut le résoudre."¹¹⁰

Non-African Peace Offensives

Peace offensives were also made by other influential people. Most prominent among those who tried to work toward a negotiated settlement was the Commonwealth Secretary-General in London. There had been attempts to mediate between the two sides in the conflict throughout the year 1967. Kirk-Greene reports that in October and November of that year the Commonwealth Secretariat had tried to arrange for "representatives of the two sides to 'co-incide' in London." But it seems that the representatives of the Federal Government waited in vain to meet their colleagues from the other side.¹¹¹ Nothing came of it. Even before these fruitless attempts the Commonwealth Secretary-General, Mr. Arnold Smith, was reported to have

109. In a broadcast on November 24, 1967, Radio Enugu condemned the mission which had demonstrated its lack of objectivity and doomed itself to failure right from the start. See: Africa Report, vol.13, no.1, January 1968, "News in Brief", p.46.

110. M. Manigat, op.cit., p.391.

111. A.H.M. Kirk-Greene, op.cit., vol.II, pp.23-24.

flown to Lagos in July 1967 at an invitation by Gowon.¹¹²
But at that stage of the conflict nobody believed that Nigeria was in for a protracted and bloody civil war.

In 1967 some other attempts to initiate peace talks came from the Vatican. There were several calls by the Pope imploring both sides to seek a peaceful settlement. On October 10, 1967, L'Osservatore Romano published the text of peace appeals by Pope Paul VI to Gowon and Ojukwu.¹¹³ On December 22, 1967, the Pope sent two envoys to Lagos. Monsignors Conway and Rochau came to Nigeria to try to arrange a truce as a follow-up to the Pope's cease-fire appeal to the Nigerian leaders.¹¹⁴ Woronoff considers this step by the Vatican as the "first real initiative for peace."¹¹⁵ Anyway, neither the Commonwealth Secretariat's nor the Vatican's peace initiatives in 1967 had any concrete results. Both only became active again in February 1968.

In the meantime, both sides had come up with important statements concerning their conditions for negotiations. In his Christmas broadcast to the nation on December 24, 1967, Gowon reiterated his conditions for a negotiated settlement.

112. Reported in: The Financial Times, 7 July, 1967.

113. The appeals were made in July 1967, see Africa Report vol.13, no.1, January 1968, "News in Brief", p.46.

114. Africa Report, vol.13, no.2, February 1968, "News in Brief", p.40.

115. J. Woronoff, op.cit., p.490. Kirk-Greene refers to the papal Christmas message to Gowon as "something more positive than papal good wishes." Kirk-Greene, op.cit., vol.II, p.24.

"First, the rebels must renounce secession; second, the rebel regime should accept the present administrative structure of a federal union of Nigeria comprising twelve states; third, a body of men should come forward from the East-Central state, willing to work for national conciliation, peace and reconstruction." 116

It is remarkable that the third condition does not bear any reference to Ojukwu. Previously Gowon had refused to accept Ojukwu as negotiation partner. Gowon's new position seemed to indicate that Ojukwu need not be the major stumbling-block.

In his turn, Ojukwu called in his Christmas message on those who started the war to take the initiative in order to bring it to an end.¹¹⁷ He repeated this condition in his address to the Consultative Assembly of Biafra on January 27, 1968, in which he talked about the 'genocidal' character of the war. He put heavy blame on Britain and the Soviet Union because of their involvement on the Federal side. Nigeria was accused of blackmailing African states by contending that if Nigeria disintegrated other African countries may follow suit. Ojukwu also rejected the idea that the obligation of the OAU Charter to respect the territorial integrity of a member state can be applied to a situation of disintegration from within. The assessment of the situation which came through in his speech was

116. Reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, p.22.

117. Africa Report, vol.13, no.2, February 1968, "News in Brief", p.39. See also J. Woronoff, op.cit., p.412.

that although Biafra was facing a great challenge, she was far from collapsing.¹¹⁸

The next day, however, in a press conference Ojukwu indirectly revealed that Biafra's position must have been quite desperate. He called for a cease-fire and "unconditional negotiations" which implied that he was playing down Biafra's demands for sovereignty as a sine qua non for negotiations. He also welcomed outside mediation "by any impartial body"; oddly enough, he included among the "impartial bodies" the OAU, the Commonwealth and Britain.¹¹⁹ Ojukwu could not possibly have believed in the impartiality of the OAU, but at the beginning of 1968 the military odds were against Biafra winning the war on the battlefield. Thus Ojukwu had to look for a negotiated settlement. He probably hoped that he could influence the OAU in his favour once it would accept him as a negotiation partner. In any case, Ojukwu's attitude towards the OAU was never consistent throughout the years of the war.

An analysis of how the two leaders saw the situation in the early part of 1968 reveals that any peace-maker would face a difficult task. Nigeria, believing herself to be in an advantageous position, would be reluctant to accept outside interference unless she could have it all her way. Biafra being in a much more serious military dilemma was

118. The speech is reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.192-199.

119. Africa Report, vol.13, no.3, March 1968, "News in Brief", p.35.

pinning her hopes on gaining more and more African and world-wide sympathy while the fighting and killing continued, especially if she could convince the world of the 'genocidal' character of the war. As will be seen, both sides grossly underestimated each other's ability and determination.¹²⁰ The Biafran forces were able to launch successful counterattacks and prevent the Federal troops from advancing smoothly, at times when the final collapse of Biafra seemed to be inevitable.

Both the Commonwealth and the Vatican resumed their efforts of peace-making in February 1968. The Pope sent his two envoys, Monsignors Conway and Rochau to Biafra. They appealed to Ojukwu to enter open peace negotiations with the Federal Government. However, they denied that they had come as mediators.¹²¹ Woronoff states that as a result of this papal move Ojukwu expressed his readiness to accept a cease-fire and to start peace negotiations.¹²² Gowon's answer to Pope Paul's diplomatic approach was a statement at a press conference held in Lagos on January 5, 1968, in which he stressed again his willingness "to work with all Ibo leaders ready to work for reconciliation, unity and national development".¹²³ It will be recalled that this is only a repetition of a statement made in his Christmas broadcast, but this time he explicitly named those Ibo

120. Although it would be interesting to look deeper into the question of international and external factors which helped to prolong the war, I will limit my discussion to some factors which might have been the reasons for the failure of any peace-maker, especially the OAU at any given time.

121. see West Africa, vol.52, No.2646, 17 February 1968, p.205. According to Africa Report they brought a papal donation of \$ 20,000 to Biafra's Emergency Aid Fund. see vol.13, no.4, April 1968, p.35. This move was not really suited

leaders, with Dr. Azikiwe on top of the list, whom the Federal Government would accept as negotiators. Although the papal initiative may not have remained without impact upon both sides as Woronoff and Kirk-Greene contend, it is difficult to assess whether the influence of the Vatican was the decisive factor for the apparent willingness of both opponents to show signs of compromise.¹²⁴ It will be seen that the Pope repeated his attempts to help find a peace agreement throughout the duration of the war.

We have to give greater attention to the activities of the Commonwealth Secretariat because it was through its Secretary-General that attempts were made to bring the opponents to the conference table in the absence of new OAU initiatives. The Commonwealth could claim a special interest in the Nigerian crisis since it concerned one of its member states. It was its Secretary-General who was eager to serve as a go-between for the two opponents. In February 1968 he visited Lagos twice. After his first visit the British press was full of intensive speculations about his role as potential mediator. Patrick Keatley in The Guardian wrote: "After six weeks of secret negotiations in London, the stage is set for a boldly ambitious plan to bring about a ceasefire in the Nigerian civil war by sending a Commonwealth force to occupy and police the battle zone."¹²⁵

to convince Lagos of the Vatican's impartiality.

122. J. Woronoff, op.cit., p.490.

123. See excerpts of Gowon's statement, reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, p.24.

124. Biafra had recently suffered a considerable economic blow when the Federal Government withdrew the banknotes currently in circulation. It left the Biafrans with virtually no access to foreign exchange. See West Africa vol.52, no.2640, 6 January 1968, p.25.

The premature publicity given to these secret talks led the Commonwealth Secretary to announce that his talks with Gowon took place at his own initiative and should not be given more attention than it deserved. Anyway, both sides in the war came out with strong statements of their respective positions.¹²⁶ The New Nigerian denounced the proposal as a "neocolonialist sublety, that can only serve the rebels and their backers".¹²⁷ And Gowon said in a broadcast on 31 March 1968 "I wish to state quite firmly that at no time did Mr. Arnold Smith discuss with me the possibility of using a Commonwealth Peace Force to separate the so-called combatants. That would be untenable in a situation in which we, as a sovereign country, are committed to putting down an internal rebellion." However, he did not exclude the possibility of involving the Secretary-General in further peace talks saying: "When the rebels show genuine interest in peace by giving up secession, the OAU Peace Mission and the Commonwealth Secretary-General may have a role to play."¹²⁸

On the Biafran side Ojukwu, who earlier on spoke about Biafra's readiness to contemplate 'unconditional negotiations', formulated his position in much more rigid terms: "The challenge to those working on a peace plan is

125. Reprinted in: Africa Report, vol.13, No.4, April 1968, "News in Brief", p.35.

126. A.H.M. Kirk-Greene, op.cit., Vol.II, p.27.

127. Africa Report, vol.13, no.4, April 1968, "News in Brief" p.35.

128. His broadcast is reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.202-204. The quotations are from p.203.

to find a formula which will enable Biafra to live peacefully, not in Nigeria, but with Nigeria."¹²⁹ Although Biafra was still anxious to get negotiations under way, she managed to gain support from influential groups in Britain and the United States which was a boost to her morale. When Arnold Smith returned to Lagos to attend the Commonwealth Education Conference, he again had talks with Gowon. Nothing seems to have come of it. "Arnold Smith's cool rejection by Lagos was sufficient to prick the ballooning bubble of peace hopes for the time being."¹³⁰ The Commonwealth Secretary only comes into the picture again in early May 1968 when 'talks about talks' began in London.

Biafra's Recognition

In the meantime some important events took place and Africa's interest in the war emerged anew. The "conspiracy of silence" on the part of the African governments was finally broken in April 1968. Some African leaders began to have 'second thoughts' about the crisis as the bloodshed continued. They might have started to feel that the Biafran fighting could be seen as a "genuine effort for self-determination, and not a Katanga-like plot to make off with the oil revenue of Nigeria."¹³¹ So far Africa had presented itself as a united front adhering to a policy of non-recognition of Biafra, but finally Tanzania became the first country to break from this. On April 13, 1968, it was announced that

129. Broadcast over Biafran Radio, 15 February 1968.
Reprinted in: Ibid., p.29.

130. Kirk-Greene's conclusion, see Ibid., p.29.

131. J. Woronoff, op.cit., p.413.

Tanzania recognized Biafra as "an independent sovereign entity". This step was partly seen as a pay-off of the persistent lobbying done by highly esteemed Biafran envoys, notably Dr. Azikiwe, who visited Tanzania, Uganda, Zambia, Senegal and the Ivory Coast.¹³² It is understandable that Biafra hailed Nyerere's step as a major diplomatic victory for the Biafran cause. Lagos' reaction on the other hand was one of outright condemnation of Nyerere. Knowing that in the course of events only three other African countries followed the Tanzanian example, the fears that the recognition by Tanzania might have started "a Biafran band-wagon on which many nations - African, Asian and European - may jump" seems unjustified in retrospect.¹³³ At that time one could not blame the Federal Government for taking the threat seriously and being grateful for signs of support. And, indeed, they came from countries like Niger, Upper Volta and Chad who fully endorsed the stand of the Government in Lagos. President Senghor, deploring the conflict and urging for a rapid conclusion, emphasized that Senegal did not contemplate the recognition of Biafra. Despite its own claims for self-determination, even the Somalis came out in support for the Federal Government.¹³⁴

To make an assessment of Tanzania's move possible, it is necessary to look at some of the motives of the

132. A.H.M. Kirk-Greene, op.cit., vol.II, p.34.

133. see Editorial in: The Legon Observer, vol.III, no.9, 26 April-9 May 1968, p.1.

134. J. Woronoff, op.cit., p.414.

Tanzanian Government. For the first time in the history of the OAU did a country "deviate from the orthodox OAU stand",¹³⁵ a stand which condemned secession. The other accusation that Nyerere's step was a clear infringement on the OAU's avowed political principle of non-interference in the internal affairs of its member states seems to forget that the OAU itself was guilty of contravening this principle. After all, the OAU had clearly interfered into the internal policy of Nigeria by endorsing the Federal Government's stand. However, Nyerere needed strong arguments to justify his move in the eyes of Africa's Pan-Africanists. Tanzania felt that the development in Nigeria-Biafra was a set-back to African unity, but one that had to be faced with realism. It would be against the clearly expressed will of the Biafran people to deny them the right of self-determination. If unity could not be maintained on the basis of overall consent of the people, it should not be imposed by force.¹³⁶ A strong motive for Tanzania as well as for the three other countries which recognized Biafra diplomatically - Gabon on May 8, 1968, the Ivory Coast on May 14, 1968, and Zambia on May 20, 1968 - was the humanitarian aspect.¹³⁷

It is tempting to look for ulterior motives which

135. S. Chime, op.cit., p.76.

136. The text of the statement by the Tanzanian Government issued on April 13, 1968, is reprinted in A.H.M. Kirk-Greene, op.cit., vol.II, pp.206-211. Also Nyerere's statement "Why we recognized Biafra", in: The Observer 28 April 1968.

137. J. Woronoff, op.cit., p.415.

might have been behind the move. However, unless a careful study of the internal and external political situation of each of the four countries is given, all analyses must remain provisional. Nevertheless, it is conceivable that the Chinese encouraged Nyerere's policy because they wanted to embarrass the Russians who were siding with the Federal Government. The French who were keen to supply arms to Biafra must have encouraged Houphouët-Boigny. After all, Houphouët recognized Biafra shortly after his visit to Paris. There was probably some desire on the part of the French to undermine the British position by encouraging recognition of Biafra. On the other hand a full understanding of the reasons of the four leaders would also require an examination of the history of attitudes towards federation in these countries and in Africa as a whole.

One cannot deny that the fact that some African states did recognize Biafra and the speculations about their respective motives had repercussions for the OAU's attempts to deal with the crisis. Africa no longer spoke with one voice. Some countries no longer wanted to play by the rules of the African game. At any OAU meeting in the near future the question of recognition was bound to break into the open because four states had deviated from the official OAU point of view as endorsed in the Kinshasa resolution. On the other hand the new diplomatic situation in which Biafra found herself by the end of May 1968 could not decisively alter the course of events. As much as Biafra welcomed the step it brought her no material help and this was what she needed

desperately. Nor did the policy of the four recognizing states trigger off the avalanche of recognition as feared by Lagos. The OAU, represented through the Consultative Mission of the six Heads of State, could carry on along the same line at least until the next Assembly. The cooperation in this body was not hampered because none of the recognizing states was among the members of the mission. Anyway, this body only became active again in July when the impact of recognition had waned.

4) Peace Talks

Although recognition and moral support was not capable of changing the situation on the battlefield, its effects can be traced in the statements concerned with the terms under which both sides were prepared to enter peace talks. An important step forward towards peace negotiations was made by the Federal Government when Nigeria's Permanent Secretary for External Affairs admitted at a press conference in London early in March, 1968 that his government was prepared to drop the third of the original conditions. If the rebels would accept the first two essential conditions for peace negotiations, 'Mr.' Ojukwu could be acceptable as a negotiator.¹³⁸

March also saw a joint call for an immediate cessation of the fighting by the Roman Catholic Church and the World Council of Churches. "We appeal in particular to the African Chiefs of state to offer the contribution of their counsel, their suggestions and, should the case arise, their mediation,

¹³⁸. West Africa, vol.52, No. 2649, 9 March 1968, p.298.

with a view to the resolution of this sad conflict ..."¹³⁹

It is difficult to assess whether the Churches could bring immediate pressure to bear upon both antagonists. The Churches did become involved in the war. The operations they set up in order to relieve the starvation and suffering of the civilian population in Biafra had an effect on Biafra's ability to continue the fighting. Therefore, it could hardly be expected that the Federal Government would look upon Church attempts to promote peace negotiations as actions coming from a neutral body. However, it is conceivable that the Churches' efforts had at least some moral impact upon the Heads of State who had remained silent for far too long a period.

On April 22 Ojukwu's voice was heard again. His morale had been boosted by Tanzania's previous recognition of Biafra. At his press conference Ojukwu accused the British Government of interfering in the conflict on the Federal side. His strong words left no doubt that any mediator who, in Ojukwu's eyes, was somehow connected with London, would be resented by the Biafran side. He then named five terms as the basis for any peace negotiations:

- 1) that talks commence without further ado within forty-eight hours;
- 2) that talks should be either at ministerial or official level;
- 3) that talks should be at a venue mutually agreed in Africa;
- 4) that the talks should have joint chairmanship with each of

¹³⁹. Excerpts of this call are reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, p.201.

the opposing camps nominating and seeking the good offices of one of the respected Heads of African states;

5) that the first item on the agenda of such a meeting should be an immediate cease-fire.¹⁴⁰

In addition to Ojukwu's sign of apparent readiness to get on with talks as soon as possible, the fact that Dr. Arikpo had stated in Lagos on April 18 that peace talks could be held "at any time and at any venue acceptable to both sides"¹⁴¹ suggests that for the first time since the outbreak of hostilities there was some hope that a mediator might bring the two sides to the conference table. Dr. Arikpo, who arrived in London for talks with the Commonwealth Secretary and the British Government on April 25, went even further.

He declared "that the Federal Military Government are prepared to embark on talks without preconditions under the auspices of the Commonwealth Secretary-General."¹⁴² He also stated that although his government considered London to be an appropriate meeting place, Lagos would also accept an African state as venue.¹⁴³

Lagos' sudden interest in peace talks was attributed to the fear of further international recognition for Biafra.¹⁴⁴ According to Akpan, Ojukwu judged his country's position differently during these preconference and conference weeks of April and May 1968. He saw the moves of Mr. Arnold Smith

140. Ibid., p.36

141. Ibid., p.37

142. Ibid., pp.215-217

143. Africa Report, vol.13, no.6, June 1968, "News in Brief", p.38

144. A.H.M. Kirk-Greene, op.cit., vol.II, p.37.

as was rejected too. The Biafran Commissioner for

"nothing but a clever manoeuvre by Britain and the Federal Government to stop further recognition ... As long as the impression was given that talks were going on, no country would take action for fear of being accused of trying to undermine the success of the peace talks. Equally, once they knew that negotiation for talks were in progress or even possible, no action would be taken. Our strategy, then, was to do more to obtain additional diplomatic recognition than for successful peace negotiations." 145

It is quite conceivable that Ojukwu reasoned along such lines. On the other hand, he must have known that playing for time would not help his military position unless he was hoping for a miracle.

On April 24 Arnold Smith informed the Biafran Government that Lagos was ready for talks without pre-conditions and agreed to send a team of representatives to London for this purpose. Smith likewise proposed that the delegations of both sides should convene in the Commonwealth Secretariat's headquarters on May 1 or earlier. Biafra informed Mr. Smith that it accepted the terms under which the meeting should take place but asked for Dakar as venue because of objections against London on the grounds of "Britain's non-neutral stance as a supplier of arms to Nigeria."¹⁴⁶ Addis Ababa as possible

145. Akpan was Chief Secretary to the Military Government of Biafra, Head of the Civil Service, and Member and Secretary to the Cabinet of Biafra, and therefore very close to the centre of decision-making in Biafra. Ntieyong U. Akpan The Struggle for Secession, 1966-1970, A Personal Account of the Nigerian Civil War, London, 1971, p.137.

146. Africa Report, vol.13, no.6, June 1968 "News in Brief", p.38.

147. A.H.M. Kirk-Greene, op.cit., vol.II, p.39.

venue was rejected too. The Biafran Commissioner for Information Dr. Eke explained the reason in a radio statement: "Since the OAU is not acceptable, other reputable African international organizations like the OCAM and the East African Common Service Organization, would be quite acceptable to Biafra." He named Dakar and Arusha as the most suitable places for the proposed meeting.¹⁴⁷ But Biafra finally agreed that preliminary talks could begin in London on May 6.

The 'talks about talks' which only became an 'across-the-table confrontation' of both delegates after two days of unilateral meetings with Mr. Smith, dealt with two main items: the place of venue for the official negotiations and the possible agenda.¹⁴⁸ Although there is no detailed information about how the discussions were conducted the slowness with which any headway was made indicates that the negotiations must have been very tough. In view of the major military breakthrough which the Federal side made only a few days after the end of the London talks, it is conceivable that Lagos' negotiation tactics were to delay agreement. They thus hoped that the military success would have an immediate impact on Biafra's willingness to give in to the Federal Government's proposals. Agreement about Kampala as venue was reached after only two days but it took the delegations another week to come up with an agreement on the agenda and the date.

The Communiqué issued by the Commonwealth Secretariat on May 15 informed the public that peace talks could begin on May 23, 1968 and that "the following agenda will be the frame-

148. Woronoff, op.cit., p.417

work for the talks: 1) the question of chairmanship, 2) the question of observers (foreign), 3) conditions for ending the hostilities, 4) arrangements for a permanent settlement". The Commonwealth Secretary-General was made responsible for servicing the peace talks.¹⁴⁹

The Kampala Talks

By the time the Kampala talks were due to begin Biafra had suffered considerable military set-backs. Port Harcourt was captured by the Federal army on May 19, robbing Biafra of her last major airport and control of the oil fields.¹⁵⁰ This loss could not be made up for by the recognition of three more states which Biafra had gained at that time. In Kirk-Greene's assessment the fall of Port Harcourt must be seen as "a turning point in the rebels' resistance". Ojukwu declared that the conflict "cannot be settled by victories won in the battlefield".¹⁵¹ Operating now from a very weak military and economic position indeed, he instructed his representatives in Kampala "to insist on the cessation of hostilities before any discussions about the future relationship with the Federal side were pursued".¹⁵² Gowon on the other hand was determined to carry on with the military operations until the rebels surrendered. These were the circumstances in which the Kampala talks began; that they began as

149. Communiqué is reprinted in A.H.M. Kirk-Greene, op.cit. vol.II, p.220

150. J. Woronoff, op.cit., p.417

151. A.H.M. Kirk-Greene, op.cit., vol.II, p.42

152. Z. Cervenka, op.cit., p.200

scheduled came as a surprise to many observers.¹⁵³

In his opening speech the host, President Obote, left no doubt about the urgency of bringing an end to the fighting. It can be assumed that he voiced what everyone in Africa and elsewhere felt: "Whether the war is just or unjust is no longer the question. The price of failure will be too much for you, the people you represent and all of Africa."¹⁵⁴

After Obote's speech both delegation leaders gave lengthy accounts of the history of the crisis and what they hoped to achieve in these peace talks.¹⁵⁵ Both addresses repeated the well-known arguments and laid bare the basic differences. Surprisingly, agreement on procedural matters was reached quickly. Mr. Arnold Smith was selected as go-between and Uganda's Foreign Secretary, Sam Odaka, was to act as 'foreign observer'.¹⁵⁶

Optimism after this encouraging start did not prevail very long. Before they got to discuss item three, the conference was threatened with breakdown after a secretary to the Federal delegation disappeared. The Federal delegation accused the Biafrans of abduction, an accusation which the Biafrans countered by contending that it was all a Federal plot. The atmosphere was poisoned. According to Kirk-Greene it was only owing to the relentless efforts of Arnold

153. A.H.M. Kirk-Greene, op.cit., vol.II, p.43

154. J. Woronoff, op.cit., pp.417-418

155. See reprinted excerpts of both speeches in A.H.M. Kirk-Greene, op.cit., vol.II, pp.221-232

156. Africa Report, vol.13, no.7, October 1968, "News in Brief", p.52

Smith and President Obote that the talks could be resumed.¹⁵⁷ Unfortunately the more serious hurdle, item three, caused the final break-up in complete deadlock.

The conditions for peace were beyond conciliation. Sir Louis Mbanefo, the Biafran representative, called for an immediate cessation of hostilities, a removal of the blockade and a withdrawal of troops to the pre-war boundaries.¹⁵⁸ An international force was to supervise these agreements. Biafra would then be prepared to talk about conditions for economic cooperation with Nigeria and about "plebiscites in the areas inhabited by minority tribes".¹⁵⁹ On the Nigerian side Chief Enahoro left no doubt in his counter-proposals that as a sine qua non of any further discussion Biafra must renounce secession. Until this was done the fighting would go on.

Both proposals were influenced by the impact of the military situation. The successes of the Federal army "precluded (Lagos) from giving up its military advantage by halting the offensive unless its targets - enforcement of the renunciation of secession by Biafra - could be reached by other means ..."¹⁶⁰ Only some considerable pressure brought to bear upon either side could have led to a positive result.

157. Z. Cervenka, op.cit., p.200. According to Kirk-Greene the body of the Secretary was discovered three weeks later and murder was established. A.H.M. Kirk-Greene, op.cit., vol.II, p.43

158. Z. Cervenka, op.cit., p.201

159. Africa Report, vol.13, no.7, October 1968, "News in Brief", p.52

160. Z. Cervenka, op.cit., p.202

All Mr. Smith and Mr. Odaka could do was to offer their good office and that, unfortunately, was not enough. The blame for the breakdown of talks has to be put on the Biafran side. It is true that neither side was prepared to move an inch from their position in order to reach a compromise. Lagos could not compromise on the essential point of rejection of secession. If this target could not be reached at the conference table, she was poised and confident enough to eventually have it her way on the battlefield. Biafra's obstinacy on the other hand was difficult to explain, given her precarious military situation and her comparatively hopeless diplomatic isolation. But a look at Ojukwu's address to the Nation on the eve of the first anniversary of Biafra's independence reveals that Biafra was unyielding in her hopes for continued sovereign existence.¹⁶¹

After Kampala everything was back to square one as far as peace negotiations were concerned. After the collapse of these talks fighting increased. The human sufferings inflicted on the civil population in Biafra caught the attention of the world. Although the humanitarian problems came to the fore especially outside Africa, efforts made to gain a political solution of the war never ceased. However, the OAU only came into the picture again in July 1968, although according to Diallo Telli Africa had been active behind the scene in the meantime. He reassured the public of Africa's continued awareness of the serious problem and mentioned "that although before and after Kampala there had been multiple contacts

161. Compare with A.H.M. Kirk-Greene, op.cit., vol.II, p.45

within the OAU these could not be made public".¹⁶²

Developments after Kampala

The scene of activities shifted again to London. Both sides knew that vital decisions for the outcome of the struggle could be taken in the British capital and it was important to be on the spot in order to influence them. Lagos was worried about the possible effects on British policy of the increasing public pressure upon the British government to end its partiality and recognize Biafra as well as to stop arms supply which was seen to help the Nigerian troops in their 'genocidal' attempts. As far as this accusation of genocide was concerned, Biafra's relentless publicity seemed to have paid off. A team of international military observers went to Nigeria to investigate the situation. After inspecting the combat areas, they came to the conclusion that there was "no evidence of any intent by the Federal troops to destroy the Ibo people or their property".¹⁶³ The findings of the observers were subsequently criticised and they were accused of not looking closely enough. In any case, the question was not so much whether Lagos "intended" genocide as a matter of policy but of what appeared to be happening in reality. It was a question of control over the Federal troops in the field. Lagos did not manage to convince the international public that there was no indiscriminate bombing of Biafran civilians.

Biafra naturally took advantage of the international indignation and tried to present her problem as a human one.

162. See interview published in: West Africa, vol.52, no.2663, 15 June 1968, p.685

163. See A.H.M. Kirk-Greene, op.cit., vol.II, pp.48-49 for more details.

This was understandable since militarily and even politically the odds were against her. There can be no doubt that 'Biafra' had become a major human tragedy; her people were really suffering. Most governments inside and outside the black continent preferred a return to the status quo ante.¹⁶⁴ In any case, Lagos was aware that it had to be careful not to lose at the propaganda front what it had gained in the battle-field.

Whether or not it was owing to Chief Enahoro's activities in London, Mr. Wilson's government continued to believe "that it could best retain some influence over Lagos through keeping in rather than breaking with the Federal Government".¹⁶⁵ Biafra's efforts were not rewarded. Sir Louis Mbanefo had a fruitless meeting with Lord Shepherd, Minister at the Commonwealth Office. That full agreement between Lagos and London prevailed was furthermore underlined after Lord Shepherd's visit to Lagos on June 20-24, 1968. He reaffirmed British support but mentioned that London was anxious to see the achievement of a negotiated settlement. Gowon stressed his readiness to resume such talks.¹⁶⁶

Propaganda was not only important as far as relations with the British government went, but it also had repercussions for the world's image of the Nigerian civil war. If international public opinion came to a one-sided assessment of the crisis and put the blame for the human suffering squarely on

164. See Biafra-Newsletter, vol.2, no.2, 28 June 1968, for a Biafran assessment of the London and Kampala talks.

165. A.H.M. Kirk-Greene, op.cit., vol.II, p.50

166. Z. Cervenka, op.cit., pp.204-205

the Federal Government, such a portrayal of the situation could not be without consequences in Africa. Firstly, Africa's leaders could not afford to remain untouched by humanitarian arguments if they did not want to lose international esteem. Secondly, if public pressure forced non-African governments to become more overtly engaged in the Nigerian civil war, Africa would need to take action again to avoid being by-passed. It would not only need to come to grips with the Nigerian war as an inter-African conflict, but as an international one, with increased great power competition. This is not to say that the situation had changed that dramatically when the Consultative Mission of the OAU met in Niamey on July 15, 1968. However, an escalation along these lines could no longer be excluded.

The Second Meeting of the OAU Consultative Mission in Niamey

When the members of the mission started their discussions in Niamey they seemed to be determined to get preliminary talks under way. They wanted to make "a joint and urgent effort to find a satisfactory African solution to the grave Nigerian crisis".¹⁶⁷ This would take them far beyond their original terms of reference.¹⁶⁸ It would not be enough merely to place the services of the OAU at the disposal of the Federal Government. The first task of the mission was to hear General Gowon who had suddenly flown to Niamey.¹⁶⁹ His personal appearance indicated the importance he attached to the mission's efforts. He gave a summary of developments in Nigeria and

167. Quoted from Africa Research Bulletin in: A.H.M. Kirk-Greene, op.cit., vol.II, p.60

168. Z. Cervanka, op.cit., p.206

169. A.H.M. Kirk-Greene, op.cit., vol.II, p.60

was anxious to stress that he considered the OAU a very helpful body in any attempts to start negotiations. He reaffirmed that he was not prepared to compromise on the two essential conditions, but he indicated the readiness of the Federal Government to accept an international observer force in order to allay the Ibos' fears of retaliation. The mission should try - with the help of the four recognizing countries - to get Ojukwu to the conference table. He rejected "a unilateral cease-fire on humanitarian grounds".¹⁷⁰

The talks with Gowon took place in closed session; therefore it is difficult to speculate what the discussions were all about. The members might have been disappointed about Gowon's rejection of a truce. In Cervenka's opinion

"he felt it would be extremely difficult to renew the hostilities once they had been stopped; to do so would undoubtedly cause an outcry in Africa and the outside world, and his own commanders in the field had given him repeated assurances after the fall of Port Harcourt that a military victory was within reach. A halt to their offensive now would therefore be fatal to the attainment of their objectives".¹⁷¹

According to Kirk-Greene the members of the mission were deeply impressed by Gowon's sincerity.¹⁷²

After they had listened to Gowon they decided to invite Ojukwu and give him a chance to discuss his point of view. He had previously indicated his willingness to come to Niamey if asked. Before he arrived in Niamey, the Committee turned to discussions on two points: relief supplies and the problem of a permanent settlement of the crisis. Again, I have no

170. Ibid., vol.II, pp.238-242

171. Z. Cervenka, op.cit., p.207

172. A.H.M. Kirk-Greene, op.cit., vol.II, p.60

written records about the meeting. Woronoff contends that in a first draft version of a resolution they provided a very detailed plan for channelling relief supplies. It included suggestions for a limited truce and a demilitarized zone which was to be determined in agreement with both opponents and supervised by an international force. The adopted version of the resolution - published after discussions with the Nigerian Government - was, however, less specific.¹⁷³ It asked both sides to agree to the establishment of 'mercy' corridors to facilitate the transportation of urgent supplies. Yet, it failed to determine the demilitarized zone and there were no provisions made for supervision and inspection. The mission-members then repeated their call to both parties to "resume peace talks as soon as possible in order to achieve a final solution..., with the object of preserving Nigeria's territorial integrity and guarantee the security of all its inhabitants".¹⁷⁴ If it is true that the main preoccupation of the mission was to discuss the problem of relief arrangements, the resolution is disappointing. It contained no concrete proposals as far as actions were concerned let alone any plans for a long-term settlement.

By the time Ojukwu arrived in Niamey on 19 July, Gowon had left the capital of Niger; the possibility of a meeting of the two opponents was thus avoided. Although Ojukwu's

173. J. Woronoff, op.cit., pp.419-420

174. A.H.M. Kirk-Greene, op.cit., vol.II, pp.244-245. In West Africa it is indicated that Ojukwu seemed to have been persuaded after his arrival to accept a communiqué which records the need to maintain Nigerian territorial integrity. See West Africa, vol.52, no.2669, 27 July 1968, p.85. No further evidence for this contention was found in the literature used to compile this chapter.

speech to the Heads of State was not made public, it is likely that he expressed views similar to those given to the press prior to his departure from Biafra. At this press conference he accused the big powers and the OAU of a one-sided approach to the problems involved. But since the OAU mission had indicated its willingness to listen to both sides, Ojukwu felt confident to go to Niamey despite his criticism. During the press conference he also repeated his well-known conditions of an immediate cease-fire, a removal of the economic blockade and the withdrawal of troops behind the pre-war boundaries. He was then prepared to talk amongst other things about "maximum economic co-operation and common services with Nigeria".¹⁷⁵ However, in his statement he left no doubt that he was ready for negotiations.

This point was taken up by the Committee which announced in a communiqué that both sides had agreed to meet under the chairmanship of President Diori to begin preliminary talks which were to be followed by renewed peace negotiations under the OAU Consultative Committee in Addis Ababa.¹⁷⁶ This was the first tangible result of the Niamey discussions. To choose one African leader as a chairman reveals the trend in African diplomacy to rely on the skills of an important statesman rather than on the OAU as a body to cope with difficult peace-making problems. It will be recalled that the same tendency was evident in the way the discussed border conflicts have

175. See excerpts of this press conference, reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, p.243

176. Z. Cervenka, op.cit., p.208

been handled. The Committee also seemed to have achieved an improvement in the political climate prevailing between Ojukwu on one hand and the OAU on the other. This enhanced the OAU's chances as a peace-maker. Before Niamey Ojukwu had nothing but words of abuse for the OAU. After he had met the Committee he praised the spirit of sincerity and honesty which was evident in Niamey. "Provided Africa is left on its own to grapple with the problems posed by our difficulties, I think there would be permanent peace or at least temporary peace."¹⁷⁷ Ojukwu's sudden change in attitude towards the OAU can probably be explained by the fact that the Committee showed apparent skills in handling the talks. The body was thus able to gain Ojukwu's confidence who perhaps hoped to see some substantive gains forthcoming.

The talks between the representatives of both sides were indeed off to a promising start. After four days of discussion, some agreement was reached on a relief corridor running ninety miles from Enugu to Ogoja. Then two obstacles emerged. Biafra's proposal to demilitarize Enugu airport, thereby making possible a direct air lift from Abidjan or Libreville, was unacceptable to Nigeria. Lagos feared that a direct air lift could be abused by flying military equipment to Biafra. The Federal Government insisted on having control over the goods which were sent to Biafra in order to make sure that the supplies only served humanitarian purposes. No agreement could be reached about the composition of the international

177. Quoted from his speech at a press conference given in Abidjan on July 21, 1968. See Ibid., p.208

178. A.H.M. Kirk-Greene, SP.513, vol.11, p.249

observer force for the 'mercy' corridor either. Biafra's demands to include observers representing the four countries which had recognized its sovereign existence was rejected by Lagos on the grounds that this could only amount to being interpreted as an indirect move towards recognizing Biafra.¹⁷⁸ As so often happened before, negotiations broke down. The final communiqué revealed only a very limited result. However, there had been agreement that talks should be resumed in Addis Ababa on 5 August 1968.¹⁷⁹

An assessment of the achievements of the OAU Committee depends very much upon what one could realistically expect it to do. The OAU had no answer to the intricate problem which lay at the roots of the Nigerian crisis. Even if they had had one, they could not have imposed it. If one hoped that Niamey could have brought an end to the fighting, the results must have been disappointing. But it has to be taken into account that the OAU did not charge the Committee with a mediation task. At the most it thus could provide a forum for discussion and act as a go-between, and in this role the Committee was modestly successful. It brought the two sides back to the conference table. By helping to reach agreement on Addis Ababa as the next venue, they also kept up hopes that a solution might be found in an African context, under the auspices of the OAU. After Niamey little doubt could be left that the OAU was the most appropriate political body to work in the direction of a peace settlement. To call it the most

178. Ibid., p.209 and Africa Report, vol.13, no.7, October 1968, "News in Brief", p.53

179. A.H.M. Kirk-Greene, op.cit., vol.II, p.245

appropriate body does not necessarily imply that it could accomplish this task successfully.

Negotiations in Addis Ababa

Although only ten days lay between the end of the Niamey talks and the beginning of the Addis Ababa negotiations, an event took place in the meantime which "was to queer the pitch for the heralded Addis Ababa talks".¹⁸⁰ I am referring to the statement made by the French Government on 31 July 1968 calling for a solution to the conflict on grounds of the right of self-determination. It was the first time during the war that a non-African government had openly expressed its support for Biafra.¹⁸¹ The French move gave Biafra considerable moral encouragement although the French Government never formally recognized Biafra. More valuable than any moral support was of course the flow of arms supplies which reached Biafra from France via Abidjan and Libreville.¹⁸² France, however, officially denied allegations of supplying military equipment to the Biafrans.¹⁸³

I am not concerned here with the motives which had driven de Gaulle to act as he did. It was suggested that there were "a variety of political and economic factors behind

180. Ibid., p.64

181. J. Woronoff, op.cit., p.486. The statement said: "Faithful to its principles the French Government ... considers that the present conflict should be solved on the basis of the right of peoples to self-determination and should include the setting in motion of appropriate international procedures." Reprinted in A.H.M. Kirk-Greene, op.cit., vol.II, pp.245-246

182. J. Woronoff, op.cit., p.489

183. Compare with statement made by the French Embassy in Lagos issued on November 10, 1968. Z. Cervenka, op.cit., p.223

the French stand".¹⁸⁴ Whatever the potential gains for France, no immediate gains were to be had.¹⁸⁵ It is conceivable that France was interested in making inroads into formerly British parts of West Africa for economic reasons. As Kirk-Greene points out, the timing of the French decision could not have been more unfortunate. "It was enough to encourage an immediate and probably prejudiced hardening of the pre-Addis Ababa attitudes now adopted by the two protagonists in public statements."¹⁸⁶

At a Press meeting in London Biafra's Commissioner for Home Affairs, Mr. Mojekwu, insisted on the three well known conditions for talks. Biafra wanted to discuss with Nigeria the terms rather than the conditions for a cease-fire. Chief Enahoro on the other hand made it clear that Gowon had no intention of meeting Ojukwu at Addis Ababa. In any case, Lagos did not pin much hope on this conference.¹⁸⁷ The prospects were gloomy not least because of the preclusion of a meeting between the two men who alone could bring about a final settlement. According to Akpan, Ojukwu had confided in his advisers that he was prepared to make concessions in personal discussions with Gowon in Addis.¹⁸⁸ If this was really Ojukwu's intention, it seems to indicate that the French move, encouraging though it must have been for the Biafrans, could not make up for Biafra's disadvantageous position. The

184. Africa Report, vol.13, no.7, October 1968, p.54

185. J. Woronoff, op.cit., p.487

186. A.H.M. Kirk-Greene, op.cit., vol.II, p.65

187. Ibid., p.65

188. N.U. Akpan, op.cit., p.139

generally prevailing assessment of the importance of the Addis Ababa talks was that one believed it to be the last chance for an agreed settlement to the Nigerian conflict.¹⁸⁹

The talks started under the chairmanship of the Emperor representing the OAU and its Commission. He emphasized in his opening address - as Obote had done in Kampala some months ago - that the parties could not afford to fail because there was no other alternative left. Woronoff saw one serious impediment in the fact that the discussions were not held in camera right from the beginning, thus permitting complete frankness. "Instead, the initial statements were made in public where a play could be made for world opinion and any demands or conditions would be hard to retract."¹⁹⁰ Chief Enahoro, who headed the Nigerian delegation, made a brief statement which focussed on Nigeria's unchanged determination to reintegrate 'Biafra' into Nigeria. He stressed that the OAU had endorsed this aim of his government and therefore complete harmony prevailed between Nigeria's policies and the OAU resolutions.¹⁹¹ His speech indicated that there was really no room for compromise. By reminding the OAU that it had endorsed the Federal point of view, Chief Enahoro did not permit this body to play a neutral role. His hard line cast a shadow over the talks from the start.

Then came Ojukwu with a speech lasting over two hours covering the well-known ground on the roots of the problem.

189. Z. Cervenka, op.cit., p.210 and A.H. M. Kirk-Greene, op.cit., vol.II, p.66

190. J. Woronoff, op.cit., p.421

191. A.H.M. Kirk-Greene, op.cit., vol.II, p.66

He too tried to woo the OAU and mentioned Biafra's pan-African attitude. He had always asked for African intervention. He believed that Niamey had proved that Africa had accepted the fact that there are two sides to the dispute.¹⁹² He stressed his people's "awareness of the need for the whole of Africa to unite. Nevertheless," he continued, "we have learnt by bitter experience that unity must come in stages through cooperation and mutual understanding. This was the purpose for which the OAU was established. In fulfilment of that purpose we offer to discuss with Nigeria the closest form of association which does not detract from our right to ensure our security at home and abroad".¹⁹³

Enahoro accused Ojukwu of having started a war of words and a propaganda manoeuvre without embodying in his speech any hint of Biafra's readiness to compromise. What Enahoro seemed to have forgotten was that he had taken an equally uncompromising line first. Nevertheless, the Nigerian delegation was outraged; Ojukwu had gone as far as calling Gowon 'the Hitler of Africa'. The conference was off to a very bad start. In contrast to Niamey, polemic overshadowed the talks from the very beginning. After the first day the conference was already in danger of breaking up. Under these circumstances the Emperor was confronted with a very difficult task. Haile Selassie, if he wanted to get negotiations under way at all, needed to act as a mediator even though this meant going beyond the mandate given to the OAU Consultative Committee.¹⁹⁴

192. Ibid., pp.247-272

193. Ibid., p.271

194. West Africa, vol.52, no.2672, 17 August 1968, p.939

The conference continued with both sides putting forward detailed proposals for discussions and with both parties again stipulating maximal conditions. The renunciation of secession on one hand was rejected as tantamount to unconditional surrender and countered with the well-known demand for sovereign existence. Beside these stumbling-blocks, it mattered little that Lagos made some small concessions.¹⁹⁵ Following the proposals, the Emperor tried in separate talks with the two delegations to find some basis of agreement, especially urging the Biafran side to make some concessions on the issue of secession. But both sides were intransigent.

The hopes that the talks could lead to a final settlement had vanished after the first conference week. Gowon never came to Addis, Ojukwu left after a couple of days and Chief Enahoro went back to Lagos on August 12, 1968. Before his departure he had suggested that since it was impossible to find a political settlement, the conference might try to make some progress in the question of relief supplies.¹⁹⁶ The Emperor took up this point and attempted in numerous meetings with both sides to attain agreement on the urgent matter of relief operations. Although he made compromise proposals,¹⁹⁷ all reports that an agreement on relief corridors had been reached turned out to be premature. As previously in Niamey, the Federal government rejected the idea of an air lift while the Biafran party turned down all plans of a land corridor.

195. For further details see A.H.M. Kirk-Greene, op.cit., vol.II, p.68 and Africa Report, vol.13, no.7, October 1968 p.53

196. Z. Cervenka, op.cit., p.214

197. J. Woronoff, op.cit., p.423

On September 9 the conference was adjourned indefinitely.

That the conference had lasted as long as that was due to the reluctance of both parties to be blamed for the break-up.¹⁹⁸

"If Kampala, Niamey and Addis Ababa have shown anything; it is that merely moving the talks from one capital to another solves nothing unless there are private negotiations providing at least a glimmer of compromise, in the interval."¹⁹⁹

According to Kirk-Greene mediatory steps behind the scenes were taken in addition to the public peace talks,²⁰⁰ but they did not "provide a glimmer of compromise". Maybe the problem was not the lack of negotiation, but the lack of success in them.

5) Mediation Efforts - 1968-1969

While nothing was achieved at the conference table, the 'final offensive' had started. Aba, one of the few towns left in Biafran hands, fell on September 4th. Gowon, more than ever before was determined to have recourse to a military solution. Attacks were launched on all fronts. Biafra was reduced to a fifth of her original territory, but still had to cope with six million people. Everybody looked at the problem now as one of a major human tragedy. Yet both sides were unable to compromise in order to cut down the sufferings of the civilian population. "The whole world saw how the 'peace talks' of Addis Ababa, loudly heralded by the OAU, had been futile."²⁰¹

198. N.U. Akpan, op.cit., pp.139-140

199. West Africa, vol.52, no.2672, 17 August 1968, p.942

200. A.H.M. Kirk-Greene, op.cit., vol.II, p.73

201. J. Woronoff, op.cit., p.425

The OAU Assembly in Algiers

This was the background to the OAU annual summit conference due to start in Algiers on September 13, 1968. It was likely that the Nigerian problem would be a major issue on the agenda. Since the last meeting in Kinshasa, events had taken a dramatic turn. The OAU was more compelled than ever before not to ignore the prevailing crisis. Its image suffered as long as it failed to do something to find a solution. That was more difficult than a year before not only because of increasing international connotations of the conflict but also because in the meantime four African countries had recognized Biafra, making it much more unlikely that Africa could speak with one voice as far as this conflict went. This political act was also an infringement of the principle of non-interference as endorsed in the OAU Charter.²⁰² It seemed therefore "that, inspite of the valiant efforts of the Emperor in trying to bring the two sides together at Addis Ababa, an 'OAU solution' to the crisis is not possible".²⁰³

Because it was decided by an Assembly resolution that the proceedings should be kept secret with only very little information to be given to the press,²⁰⁴ a detailed analysis is difficult to make. At the preceding Council of Ministers' meeting, the civil war was not even on the agenda, despite Tunisia's proposed resolution on Biafra.²⁰⁵ On the other hand

202. West Africa, vol.52, no.2673, 24 August 1968, p.969

203. West Africa, vol.52, no.2675, 7 September 1968, p.1034

204. See Africa Report, vol.13, no.8, November 1968, p.21

205. A.H.M. Kirk-Greene, op.cit., vol.II, p.75

it was reported that OAU Secretary-General Diallo Telli "called for a redefinition of the idea of non-interference in internal affairs of member-states. He also declared that ways must be found to prevent members from avoiding important issues".²⁰⁶

It was also made known that the Nigerian Government opposed a discussion of her problem at the OAU meeting seeing it as an internal affair.²⁰⁷ Kirk-Greene, on the other hand, states that Nigeria was no longer reluctant nor afraid to discuss the question at the conference.²⁰⁸ Whatever the truth may have been, both attitudes can be explained. If Nigeria opposed discussion it was because she overestimated the amount of support Biafra might be able to secure in the Assembly. It is even more conceivable that the Federal Government whose desire was for military victory was not keen to be restrained in her efforts to pursue this goal by resolutions committing her to find a negotiated settlement.

If Lagos agreed to a discussion she might have done so because she was certain that the pro-Federal point of view would be endorsed by the majority of African leaders. Indeed, the procedures at the meeting confirmed that this was the case.

Opening the summit, President Boumedienne came out with a very strong pro-Federal statement. For him the Nigerian crisis was just another imperialist action. He attacked the "machinations directed at Nigeria aiming to disintegrate that great African state, the unity and cohesion of which we are all so proud".²⁰⁹ He was sustaining the Lagos point of view and did not even admit any Biafran delegation regardless of whether the

206. West Africa, vol.52, no.2676, 14 September 1968, p.1063

207. West Africa, vol.52, no.2676, 14 September 1968, p.1063

208. A.H.M. Kirk-Greene, op.cit., vol.II, p.75

209. J. Woronoff, op.cit., p.425

Nigerians or the conference as a whole were prepared to concede the possibility.²¹⁰ Even if the leaders did not agree with Boumedienne's radical language, in principal the majority endorsed his view of the situation. His speech led to a clash with President Kaunda, who was the only Head of State of the recognizing countries to be personally present in Algiers. He objected to being "lumped with imperialists" on the Nigeria-Biafra issue.²¹¹

Although reference was made to the war in several speeches the summit only dealt with the issue in greater length on September 15, after the Emperor had given an account of the work done by the OAU Consultative Committee on Nigeria. What followed then was a three hour debate on the problem in which the four recognizing countries explained the reasons for their policy. Knowing they were a minority, they disappointed Biafra by only coming out half-heartedly on her side. Their spokesmen stressed that they were not hostile to Nigeria as such, and although they were not in favour of secession in Africa, they nevertheless believed that unity could not be enforced against the will of the people concerned. "But none of them pressed the matter and a breach was carefully avoided."²¹²

On the other hand Nigeria found some enthusiastic supporters. Generally speaking, however, there was hesitation to become involved more closely at a stage when the war seemed to be in its final stage with complete defeat for Biafra. Chief Awolowo spoke on behalf of the Lagos government, describing the motives of the rebels as tribalism and emphasizing the well-known condition of renouncing secession first. The Biafran

210. West Africa, vol.52, no.2677, 21 September 1968, p.1089

211. Ibid., p.1091

212. J. Woronoff, op.cit., p.425

delegation in its turn was never given a chance to address the Assembly.²¹³

Another impetus for action came from U Thant who asked the African leaders to persist in their efforts to find a solution because he believed "that the OAU should be the most appropriate instrument for the promotion of peace in Nigeria".²¹⁴ But the conference did not act according to these appeals. "There was no serious thought of ending the hostilities, bringing together the leaders on both sides and holding negotiations under stricter OAU control. There was no discussion of how to lessen the suffering by opening relief corridors."²¹⁵

At the end of the discussions a broadly pro-Federal Government resolution was adopted by a vote of 33 to 4 with Botswana and Rwanda abstaining.²¹⁶ It included appeals 1) to the secessionist leaders to cooperate with the Federal authorities in order to restore peace and unity in Nigeria, and 2) to end hostilities. It asked the Federal Military Government to "declare a general amnesty to cooperate with the OAU in ensuring the physical security of all people of Nigeria ...". Furthermore, all concerned should continue to "cooperate in speedy delivery of humanitarian relief supplies .." The Consultative Committee should continue with its efforts, while all members of the UN and the OAU should refrain "from any action detrimental to the peace, unity and territorial integrity of Nigeria".²¹⁷

The resolution was devoid of any concrete plans of how

213. A.H.M. Kirk-Greene, op.cit., vol.II, p.75

214. Excerpts of U Thant's address are reprinted in: Ibid., pp.327-328

215. J. Woronoff, op.cit., p.426

216. Africa Report, vol.13, no.8, November 1968, p.21

217. The resolution is reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.328-329

to implement any measures taken in order to end the war. Rashidi Kawawa, Vice-President of Tanzania, commented on the result of the Algiers meeting saying that it was "one clear example in history where eminent leaders decided to evade the real issue by playing the ostrich game".²¹⁸ In comparison with the resolution adopted in Kinshasa the 1968 resolution, although amounting to a complete endorsement of the Lagos standpoint, nevertheless no longer pretended that there was only one party to be considered. This time the secessionists were mentioned. This was probably due to the fact that four countries had recognized Biafra.

As far as the war in Nigeria went, the Algiers conference made no progress towards any solution and its effect on it was negligible. As an act of policy-making in the context of African unity, it was relevant and revealing. The prevailing feeling was that difficulties in the relations between African states provoked by the Nigerian problem should not be allowed to jeopardize the quest for unity let alone lead to a break-up of its institutional framework, i.e. the OAU. Africa regards secession as one of the major threats to her new states. Whether or not this is indeed the case is not important as long as it influences political decisions in this continent.

"It is because African states are only too well aware of their own predicaments that they have been inhibited from expressing fully their deep concern over the Nigerian war, and have finally

218. Quoted in: West Africa, vol.52, no.2677, 21 September 1968, p.1089

crystallized their opinions into a stance of support for Nigeria, as being the least undesirable course of action."

The role the African countries could play in the conflict after Algiers was "to exercise what influence they can on Nigeria while supporting the general thesis of unity and territorial integrity".²¹⁹

Developments after Algiers

In a statement issued on October 1, 1968, the Federal Government made it clear "that it would consider no peace talks outside the umbrella of the OAU".²²⁰ The Consultative Committee was only convened again in April 1969. In the meantime, efforts to reach negotiated settlement never ceased. Nobody could just sit back inactively and wait for a military solution.

In mid-October 1968 the war had reached a kind of stalemate, although Biafra with only about a tenth of her former territory left and the great problem of coping with starvation was actually in a much weaker position. However, the influx of ammunition helped Ojukwu's army somehow to match Nigeria's fire power. The protraction of the war led to some unrest in Nigeria; people did not always accept the sacrifices the war demanded.²²¹

Ojukwu never ceased to call for a cease-fire, but he refused to listen to those of his advisers who urged him to

219. Quotations from: West Africa, no.2677, 21 September, 1968, p.1089

220. A.H.M. Kirk-Greene, op.cit., vol.II, p.77

221. J. Woronoff, op.cit., pp.427-428

capitulate. The most eminent 'civilian dove' was Dr. Azikiwe.²²² According to some reports, Lord Shepherd went to Lagos on September 25 on behalf of some Biafran representatives to try to pave the way for a new peace approach. But Lagos did not accept any outside intermediary apart from the OAU.²²³ Gowon followed a hard line. He blamed the protraction of the war on "certain foreign governments, missionary zealots and misguided humanitarian organizations."²²⁴ He also renewed his determination to crush the rebellion and reunite the country. At the end of 1968 it was quite obvious that no matter how much non-African pressure would be put on the Federal Government to stop the fighting and end the sufferings of the civilian population, Gowon was not prepared to do so. "For a Federal withdrawal now would be a surrender not to Biafra but to Biafra's foreign friends."²²⁵

Although the uncompromising stance of both combatants was known, December 1968 saw more attempts to get a cease-fire under way. Lord Shepherd went to Lagos for his third visit. Nothing came of it. He met with a cool reception and was reminded that Gowon regarded the OAU as the only acceptable peace-maker. The issue had to be settled as an African problem in an African way. Lord Shepherd's futile mission probably stopped Prime Minister Wilson from going to Lagos

222. See his unpublished letter, excerpts of which are reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.330-331

223. For some more details see ibid., p.77

224. See excerpts of a speech made on 30 November 1968, reprinted in: ibid., pp.338-340

225. Comment in West Africa, vol.52, no.2688, 7 December 1968, p.1429

himself as a kind of 'super-mediator', as originally planned. Instead a British envoy was sent to Addis Ababa to find out whether or not the Emperor could step in again in order to bring the two sides back to the conference table.²²⁶ When Christmas 1968 approached, there were renewed calls for a truce from various statesmen. In the end Gowon agreed to a forty-eight hours truce, but in fact the fighting only stopped for twelve hours.²²⁷

The year 1969 began with new hopes that a way to peace negotiations could be found as a result of forthcoming international conferences like that of the Commonwealth Prime Ministers. Unfortunately, such hopes turned out to be over-optimistic. By mid-January the war had "reverted to its most unyielding and despairing level".²²⁸

At the Commonwealth Conference Chief Awolowo rejected on behalf of the Federal Military Government any idea of discussion of his country's problems. On the other hand, Tanzania and Zambia, the two Commonwealth countries who had recognized Biafra, wanted the crisis to be put on the agenda. The Nigerians had it their way. 'Nigeria' was only briefly mentioned in Mr. Wilson's speech and in Mr. Smith's report, but no discussion took place. It was, however, announced that Presidents Nyerere and Kaunda met representatives of the Nigerian delegation, but without any tangible results. Whether or not there were private talks between the Nigerian delegation

226. A.H.M. Kirk-Greene, op.cit., vol.II, pp.90-91

227. J. Woronoff, op.cit., p.428

228. A.H.M. Kirk-Greene, op.cit., vol.II, p.95

and Biafran envoys - Chief Awolowo denied that there were any - nothing was achieved in London.²²⁹ Nigeria was poised for the final push on the battlefield and negotiations could only be resumed if Biafra accepted the principle of 'one Nigeria'.

After a meeting of OCAM, there was also some speculation about this body's intention to initiate further peace talks. The Nigerian crisis was discussed among the franco-phone leaders. But whether Tombalbaye's statement that Diori and Mobutu had been entrusted to meet both sides was simply meant to be an encouragement for the work of the existing OAU mission of which both Presidents were members, or an indication of a separate peace mission, was never made clear.²³⁰ It would have undoubtedly come as a surprise if they agreed on a common OCAM policy with regard to the Nigerian conflict. After all, OCAM had two recognizing countries among its members.²³¹

The list of possible mediators was thinning. Ojukwu repeated in February 1969 that he was opposed to any "British sponsored offensive". In this respect he endorsed Nigeria's well-known attitude, albeit with differing reasons.

From mid-February 1969 onwards strenuous efforts were made to resume the work of the OAU Consultative Committee

229. Ibid., pp.95-96. Sierra Leone's Prime Minister called on the conference to mandate the Emperor and President Tubman to form a new committee to work for a cease-fire. He must have been frustrated by the inactivity of the existing OAU Committee. Awolowo rejected any duplication of the work of the existing committee. See Africa Report, vol.14, no.3 and 4, March-April 1969, pp.47-48

230. West Africa, vol.53 no.2697, 8 February 1969, p.165

231. J. Woronoff, op.cit., p.429

adjourned since Addis Ababa. President Tubman contacted the Emperor suggesting that the Committee should reactivate contacts with both sides.²³² Speculations that the Committee would soon meet in Monrovia took another two months to materialize. In the meantime, on the political level Ojukwu had revealed that he believed the Emperor to be the best person to bring about an end to the war. This "seemed to carry him one more important step nearer the Federal Government's continuing faith in the efficacy of the OAU and an exclusively African ambience".²³³ But it is one thing to pin the hope on an OAU-sponsored solution and quite another to face the realities of this organization's ability to fulfill these expectations. The Council of Ministers' meeting in Addis Ababa in late February 1969 did nothing to strengthen these hopes. An appeal to implement an immediate cease-fire and then negotiate was all that was heard from Addis Ababa.²³⁴

Another political move was made by Harold Wilson who came to Lagos on 26 March 1969. Knowing that both sides - although for different motives - rejected British mediation, any positive result to emerge from this visit would have come as a surprise. Gowon left no doubt in his welcoming address that he expected "no dramatic peace initiative on your (Wilson's) part ... and that you are not coming to Nigeria to mediate in the civil war".²³⁵ After long discussions with

232. West Africa, vol.53, no.2698, 15 February 1969, p.197

233. A.H.M. Kirk-Greene, op.cit., vol.II, p.102

234. West Africa, vol.53, no.2700, 1 March 1969, p.257

235. Speech reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.368-370

Gowon, Wilson, in agreement with his Nigerian counterpart, offered to meet Ojukwu "somewhere in Africa". Ojukwu turned down the invitation unless Wilson was prepared to come to Biafra as an act of recognition of the sovereign existence of his country. Wilson travelled to London via Addis Ababa where he conferred with the Emperor. The British Prime Minister took the opportunity to emphasize that the "task of mediation in the conflict was one of the OAU".²³⁶

In my view those who stressed the role of the OAU as the only possible and acceptable mediator only disguised that they counted on a military victory for the Federal Government. Unless they were prepared to stop supplying Lagos with arms in order to weaken her position, how could they expect that the comparatively weak OAU could enforce a peaceful settlement? This is exactly how Nyerere seemed to have assessed the situation. He said in an interview that he believed the OAU Committee could only be successful with the support of Britain and the Soviet Union. If these two decided on a military solution, "there is nothing Africa can do about it".²³⁷ In any case, the advocates of an OAU solution preferred a return to the status quo ante to any other solution.

The Third Meeting of the OAU Consultative Mission in Monrovia

Biafra was weakening. Her defences were shrinking with the Federal troops closing the ring around Umuahia. Evacuation of the town started on April 12, 1969. The Federal

236. Ibid., p.109

237. West Africa, vol.53, no.2712, 24 May 1969, p.601

Government once again seemed assured of final victory. This impressive military success for the Federal troops was part of the background to the OAU Consultative Committee meeting in Monrovia which started on April 17. Again, the military situation more than anything else dictated the outcome of the meeting. In the first place neither Gowon nor Ojukwu were able to attend the conference. Lagos' representative indicated that their conditions were the same as those submitted in Niamey. The Biafran delegation announced that Ojukwu no longer insisted on a cease-fire as a prerequisite for further negotiations. Then, Presidents Tubman and Diiori had long discussions with the Biafran delegation while the Emperor and President Mobutu talked to the other side.²³⁸

All sessions were held in camera. The final communiqué released on April 20, 1969 revealed that no conclusions had been reached. The Committee appealed to both parties to accept "in the supreme interest of Africa a united Nigeria which ensures all forms of security and guarantee of equality of rights and privileges to all its citizens".²³⁹ Within the context of such an agreement the fighting could cease and negotiations could begin. The communiqué stated that the Federal Government had agreed to act according to these proposals and the secessionists were implored to do the same.

238. West Africa, vol.53, no.2708, 26 April 1969, p.485

239. The Communiqué is reprinted in A.H.M. Kirk-Greene, op.cit., vol.II, pp.375-376. The failure of the Monrovia talks were squarely put on Biafra's door. In Diallo Telli's words: "For the first time we made it a point to put the responsibilities where they lay." Ibid., pp.110-111

As could be expected, Biafra was appalled by the outcome of the Monrovia meeting while Lagos warmly welcomed its results. Gowon needed to score some political points because militarily things were not going smoothly for the Federal side. Although its troops managed to capture Umuahia, the Biafrans could claim successes too. They retook Owerri; it seemed likely that they would be able to continue their resistance as long as supplies could be flown into Uli airstrip. The Biafrans had the advantage of short lines of communications while the Federal army had to cope with the problems caused by extended lines.²⁴⁰ Unfortunately for all those who suffered, the fall of Umuahia was not the final mortal blow.

Those who were concerned with bringing the war to an end as quickly as possible could not just sit back and hope that all would soon be solved on the battlefield. The public was informed that the members of the OAU committee were in constant contact with each other as well as with the two protagonists, ready to convene again whenever the slightest chance for success emerged.²⁴¹ In May, President Senghor came up with a peace plan which was immediately rejected by both sides. He suggested that Biafra should give up the secession while Lagos should rescind its twelve-state constitution. He emphasized that negotiations should preserve "the integrity rather than the unity of Nigeria".²⁴² Was this more than just playing with words?

240. West Africa, vol.53, no.2709, 3 May 1969, p.513

241. See report in: West Africa, vol.53, no.2712, 24 May 1969, p.601

242. A.H.M. Kirk-Greene, op.cit., vol.II, p.113

In June rumours crept up about private talks being conducted somewhere in Europe between the two sides. Both sides denied such allegations. It was also reported again that Zambia had become active, with President Kaunda on a tour through West Africa talking about the Nigerian crisis. He apparently advocated an African meeting outside the OAU Consultative Committee.²⁴³ However, Kaunda appeared to be wasting his time, as Lagos had made it known several times that it would not take part in negotiations outside the umbrella of the OAU.

When the war entered into its third year, Lagos made a move based on her determination to end Biafra's resistance. Responsibility for Biafran relief supplies was taken out of the I.C.R.C.'s hands and handed over to the Federation's National Rehabilitation Committee.²⁴⁴ ... "Few would wish seriously to challenge the premiss that through restraint in permitting supplies to be airlifted into enemy territory to a degree unparalleled in the history of warfare the Nigerian Government had positively helped Biafra to prolong its resistance."²⁴⁵ After 5 June 1969, when an I.C.R.C. airplane was shot down, the relief supplies had stopped, causing an immediate deterioration of Biafra's food and medical situation. In the following months the international discussion was centered around the problem of how to open some internationally supervised land corridors to make the flow of supplies possible

243. West Africa, vol.53, no.2717, 28 June 1969, p.732

244. A.H.M. Kirk-Greene, op.cit., vol.II, Document on Lagos' New policy on Relief Supplies, pp.408-410

245. Ibid., p.121

once again. Unfortunately the two sides could not reach any agreement.²⁴⁶ Lagos insisted that all relief supplies should be checked in Lagos before being sent on to Biafra, a condition which Biafra refused to accept. By the end of July, stalemate was reached once again, this time in the relief arena as well as in the battlefield.

August 1969 brought new moves on the political front. The visit of the Pope to Uganda was seen as an opportunity to resume peace negotiations. Ojukwu proposed a three day truce during the Papal visit, a proposal which was rejected by the Federal Government.²⁴⁷ However, both sides sent delegations to Uganda. They both had talks with Pope Paul, but no direct contacts with one another. The Pope tried to work out a compromise formula - in accord with their respective legitimate and essential claims. Lagos could never accept such a 'biased' approach which put the claims of the Federal side on the same level with the rebels. The Pope's efforts failed: "Europe, represented in the Pope, had no more success in mediation than had Africa symbolized in the OAU".²⁴⁸

The OAU Assembly in Addis Ababa

As the Sixth Conference of OAU Heads of State and Government in Addis Ababa in early September drew closer, political and diplomatic activities in Africa increased. The Federal Government became engaged in a diplomatic offensive. The Federal position had been considerably strengthened by

246. See West Africa, vol.53, no.2721, 26 July 1969, p.877 for more details.

247. West Africa, vol.53, no.2722, 2 August 1969, p.909

248. A.H.M. Kirk-Greene, op.cit., vol.II, p.125

Dr. Azikiwe's public statement endorsing the Federal cause of 'one Nigeria'.²⁴⁹ He asked his fellow-Ibos to stop the fighting and renounce secession. General Gowon went to Ghana and Dahomey and he took Azikiwe to Liberia where the two talked with President Tubman. But nothing more than a renewal of determination to work for a peaceful settlement of the crisis was heard from Monrovia.²⁵⁰

In an article in West Africa it was indicated that Tubman, thinking little of the OAU's capabilities to handle the crisis, suggested the intervention of individual African leaders. "Presumably he has in mind the possibility of a line of communication from General Gowon through himself to President Houphouët-Boigny and from the Ivory Coast leader to Colonel Ojukwu."²⁵¹ Biafra might have been in favour of such an approach; Nigeria rather concentrated her efforts on presenting her case at the OAU summit meeting. Although Lagos did not fear that the OAU would turn against her, she probably had to counterbalance popular pro-Biafran feelings which had increased with Biafra's sustained resistance.²⁵²

It was expected that this time the Nigerian problem would take up a prominent place on the OAU summit agenda. The Consultative Committee was sitting at the same time hearing numerous delegations. While Ojukwu did not come to Addis Ababa,

249. His statement is reprinted in: Ibid., pp.414-416

250. Ibid., p.125. Dr. Arikpo went to Cairo and Chief Enahoro was sent to Nairobi and Addis Ababa. See West Africa, vol.53, no.2724, 16 August 1969, p.945

251. West Africa, ibid., p.945

252. See assessment of the pre-Addis Ababa situation in West Africa, ibid., p.945

Gowon for the first time addressed an OAU Assembly, underlining the Federal Government's unchanged attitude.

"Unless the secessionist leadership gives the OAU the opportunity to settle the Nigerian war by peaceful negotiations on the basis of the Kinshasa and Algiers mandate, the Federal Government will have no option but to carry on the military operations to their logical conclusion, no matter how long." ²⁵³

Biafra could only lobby in the corridors of Africa Hall for her demand of immediate talks without preconditions.

During the conference a Tanzanian booklet on her position with regard to Biafra caused much excitement. Nyerere criticized the OAU for not always serving the peoples of Africa. "We must not just concern ourselves with our own survival as Heads of State; we must even be more concerned about peace and justice in Africa than we are about the sanctity of the boundaries we inherited." ²⁵⁴ The Nigerian delegation launched a strong protest against the Tanzanian memorandum which was officially withdrawn after talks between Gowon and Nyerere. ²⁵⁵

At the end of the five days meeting yet another resolution on Nigeria was adopted. It appealed

"to the two parties involved in the civil war to agree to preserve ... the unity of Nigeria and accept immediately the suspension of hostilities and the opening without delay of negotiations intended to

253. Excerpts of Gowon's speech are reprinted in: A.H.M. Kirk-Greene, op.cit., vol.II, pp.427-429

254. Ibid., p.438. The text of the Tanzanian booklet is reprinted on pp.429-439

255. West Africa, vol.53, no.2728, 13 September 1969, p.1075

preserve the unity of Nigeria and
restore reconciliation and peace.."256

The resolution differed from the Algiers one in the respect that this time it did no longer include a specific appeal to the secessionists but was addressed to both sides. "The use of the flexible word 'intended' is also seen as softening the resolution."257 But in substance the endorsement of the 'one Nigeria' idea remained. The Assembly failed, as so often before, "to back up its appeals with machinery for a cease-fire and negotiations".258

Last Attempts for a Negotiated Settlement

Some hopes for negotiations were rekindled when Gowon was reported to have said on his return to Lagos that he was ready for unconditional talks. Biafra took this up and asked Nigeria to name a friendly country, a time and a place for a meeting. Dr. Arikpo, however, quickly denied such allegations and reaffirmed that Nigeria was totally committed to the OAU resolutions.259

Activities behind the scenes continued. Diallo Telli met Gowon in late September.260 The OAU Secretary-General came to Lagos quite a few times during 1969. He was known to be an ardent supporter of the Federal Government's policy and his activities did not go uncriticized for having exceeded

256. The resolution is reprinted in: A.H.M. Kirk-Greene, op. cit., vol.II, p.445

257. West Africa, vol.53, no.2728, 13 September 1969, p.1075

258. J. Woronoff, op.cit., p.432

259. West Africa, vol.53, no.2729, 20 September 1969, p.1133

260. West Africa, vol.53, no.2730, 4 October 1969, p.1197.
Telli alleged that the Emperor had started new moves to end the war.

his strictly administrative duties. In connection with the Nigerian crisis President Ahidjo found faults with his behaviour. He accused Telli "d'exprimer des opinions personnelles au lieu de se borner à rapporter les décisions et débats de l'Organisation".²⁶¹

In mid-October reports about efforts for peace talks became public again. There was a rumour about Gabonese mediation requested by Ojukwu but rejected by Gowon. Ojukwu allegedly sent a message to Lagos offering peace negotiations without preconditions through the Emperor.²⁶² November began with hopes being stirred up by speculations that Ojukwu was prepared to make concessions. "Much was made of the statement in a talk on the Biafra Radio that there was no "sentimental" attachment to sovereignty..."²⁶³ Denials that any such concessions on Biafra's independence had been contemplated followed quickly. Lagos did not even seriously consider any such allegations. "If, as some believed, this was a Biafran kite, Lagos had made it plain that it was useless to fly it again."²⁶⁴

The last serious attempt to bring the two sides together before the gravely weakened Biafra collapsed was made once again by Emperor Haile Selassie. But the question of under whose chairmanship the talks would be carried out clouded any prospects of success. One cannot help feeling that this

261. M. Manigat, op.cit., p.395

262. West Africa, vol.53, no.2734, 25 October 1969, p.1289

263. West Africa, vol.53, no.2736, 8 November 1969, p.1325

264. A.H.M. Kirk-Greene, op.cit., vol.II, p.133

impediment was deliberately set up to make any last minute compromises fail. Nigeria would only accept a chairman who acted under OAU auspices. Ojukwu wanted to reduce the influence of this organization which in his view was too biased. He contended that "the Emperor was taking a personal initiative as an African leader. He is not acting as an agent of the OAU".²⁶⁵ The Ethiopian Government stated categorically that the Emperor could not become active outside the OAU umbrella. This could only signify that Haile Selassie felt bound by the OAU resolutions.

Nevertheless, in order to demonstrate his dove-like attitude, Ojukwu sent a delegation to Addis Ababa where it waited in vain for the arrival of its Nigerian counterpart.²⁶⁶ After three days the Biafran representatives were recalled. Ojukwu exploited the Nigerian absence from Addis Ababa as "'conclusive evidence' of an unrelenting policy of nothing less than a military solution to the conflict".²⁶⁷ The last chance for a negotiated settlement was gone. At that point the Nigerian side felt certain of winning on the battlefield and was surely no longer interested in talks with Ojukwu whom it saw as the major stumbling-block for a solution. The new year began with the last offensive launched by the Federal troops. On January 10, 1970 Owerri fell and the Uli airstrip was bombed into rubble. The Biafran side was too weak after six months of suspended relief flights to offer any

265. West Africa, vol.53, no.2742, 20 December 1969, p.1565

266. West Africa, vol.53, no.2743, 27 December 1969, p.1593

267. A.H.M. Kirk-Greene, op.cit., vol.II, p.137.

effective resistance. Biafra ceased to exist. Ojukwu was no longer backed by the other Biafran leaders. He fled the country promising to the Biafran people in a last broadcast that he would try to explore with Biafra's friends a negotiated peace.²⁶⁸ On January 12, Biafra's Chief of Staff, General Effiong, called for peace, which was accepted by Gowon. An act of surrender was signed in Lagos on January 15, 1970. The Nigerian civil war had come to an end on the battlefield, not at the negotiating table.

6) Conclusion

Looking at the OAU's performance in the Nigerian civil war one may contend that it was no more but also no less crowned with success than other would-be peace-makers. A number of reasons are responsible for the OAU's disappointing record. Broadly speaking, the decisive factors are internal African as well as external ones.

To begin with there is nothing in the OAU Charter which holds that the Organization should promote national reconciliation within a member country. However, nobody can prevent the OAU members from discussing such problems and making them a legitimate concern of their body. It seems self-evident, however, that the OAU - weak as it is - cannot impose any solution upon the two parties involved in an internal struggle. It is useless to start any mediatory action without the consent of both parties to a dispute. In the case of Nigeria-Biafra as in other comparable situations such

268. His message is reprinted in: ibid., pp.449-450.

consent is likely to be granted only if both sides were convinced that a solution to their problems could not be found without external help. Furthermore, what is even more essential is the confidence of both antagonists that the OAU would play its role as a 'peace-maker' in an unbiased manner. It is only when both sides feel that they would receive some fair consideration of their claims from the Organization and those acting on its behalf that they might entrust it with the matter under dispute.

It was precisely this factor which was missing in the Nigerian case right from the beginning. From the very first meeting of the OAU which concerned itself with the Nigerian issue, the pan-African Organization endorsed the Federal stand. This attitude - albeit with some modifications - remained unchanged until the very end of the crisis. The Consultative Mission was confronted with the impossible and unrealistic task of trying to conciliate "les points de vue des deux parties alors qu'elle se trouvait liée par le principe solennellement réaffirmé de l'intégrité territoriale du Nigéria."²⁶⁹ The condemnation of secession which revealed the position of the African leaders was the overriding principle guiding the African assessment of the crisis. This very principle was also one of the fundamental axioms in inter-African relations codified in the OAU Charter, committing the African states to preserve the territorial status quo in their continent. Any deviation from this guideline would put the very existence of the OAU in jeopardy. Thus Africa's politicians were clearly in a dilemma right

269. M. Manigat, op.cit., p.397.

from the beginning of the Nigerian crisis.

Although there was some sympathy for the Biafran claims in Africa only four countries dared to take action of some practical consequence, namely to recognize Biafra as an independent entity. However, even these states did not seem to be prepared to go as far as risking a split of the OAU because of their support for the Biafran cause. It will be recalled that their backing of Biafra at the important Algiers summit meeting 1968 was only lukewarm.

To sum up, clinging to the status quo in Africa's territorial make-up hampered any serious attempts at peace-making. But it guaranteed at least for the time being the continued existence of the OAU. Although the handling of the Nigerian civil war was not exactly to the OAU's credit, it nevertheless came out of the Nigerian crisis comparatively unmolested. This was mainly due to the fact that the Nigerian problem remained free from undertones which would have led to a split among the OAU member states along lines of ideological affiliation with either side. The situation did not emerge as a fight between an ideologically 'right-wing' government in Lagos hoping for sympathy from the 'conservative' states opposing a 'left-wing' rebel regime in Biafra which might count on the support of the 'radical' states. Furthermore, the crisis never assumed plain cold war connotations since the Federal Government was backed by ideological opponents among the big powers.

Before turning to the international aspect of the Nigerian crisis and its repercussions on the mediation effort of the OAU it might be worthwhile to look briefly at the other 'civil war crisis' in which the OAU became involved

earlier on in its history, i.e. the second Congo crisis. It is not intended, however, to give a comprehensive account of the OAU intervention in the Congo problem. One must take into account the limitations of a comparative analysis of the OAU's treatment of different crises. The OAU's performance in each individual case can best be assessed in relation to the background of the particular genesis of a conflict. However, a comparative study might help elucidate a certain category of problems with which the OAU as an institution in the realm of international relations in Africa is confronted.

In every attack on the existing status quo of a political system from within a member country the OAU has to reconsider the premises on which it is based before it can make any move to become involved. In this respect the Congo crisis and the Nigerian civil war exhibited the same problems. Looking at both crises from a purely legalistic point of view both were initially domestic disputes. An interpretation of the OAU Charter has revealed that the African states had based their relations on the regulations of traditional international law stipulating explicitly the non-interference in the internal affairs of a member state. This stipulation if strictly adhered to would be a serious impediment to the fulfilment of one of the major tasks which the African politicians assigned to the OAU, namely to help keep non-African powers from interfering in African affairs. Since the great powers would not limit their intervention attempts to cases of inter-state conflicts in Africa but would likewise fish in the troubled waters of internal conflicts,

it would be in the interest of the African states to help a member government to solve its domestic quarrels before non-African intervention occurred or at least to try and stop it at the earliest stage possible. In the eyes of those who "propagated revolutionary norms for African international relations"²⁷⁰ this was the only meaningful way of fighting the most dangerous threat to African independence i.e. neo-colonialism. "In other words, according to the rhetoric of the radical states, intervention designed to deliver a state from the neo-colonial control of other states was not illegal."²⁷¹ Furthermore, helping one's African brothers to overcome the internal strife which threatens the peaceful development of an African country would also be in keeping with pan-African ideals, i.e. with a "sentimentalized continental identity".²⁷²

The second Congo crisis was the first test case for the OAU dealing with the problem of foreign intervention in the affairs of a member state. The question at stake was whether the OAU should uncompromisingly adhere to the letter of its Charter and refrain from interfering or whether it should - in the overriding interest of Africa - intervene in order to promote national reconciliation within a member

270. Yashpal Tandon, "The Organization of African Unity as an Instrument and Forum of Protest," in: Robert I. Rotberg and Ali A. Mazrui, (ed.), Protest and Power in Black Africa, New York, 1970, p.1153.

271. Ibid., p.1154.

272. P. Saenz, op.cit., p.206.

country. Throughout the OAU's dealings with the Congo issue the Organization witnessed clashes between "radical" demands and the compliance with "conservative" legalistic principles of legitimacy.

In September 1964 an extraordinary session of the Council of Ministers was held in Addis Ababa to consider the Congo problem. The African governments were driven by controversial motivations to accept that the OAU should step in. They all agreed that it was the OAU's task to try and patch up the deteriorating relations which had developed between the Congo-Léopoldville and her neighbours, in particular Congo-Brazzaville and Burundi, whose governments were accused by the Tshombe Government of open material intervention on behalf of the "rebels".²⁷³ However, they were divided on the question of how to act against the entrance of the great powers in the Congo as well as on the problem of how to bring about national reconciliation.

The main bone of contention was the legal status of the Tshombe Government on one hand and the "rebels" on the other. Although there was widespread antipathy against Tshombe, the man who had led the Katanga secession and was now using white mercenaries to fight his rebellious African compatriots, the majority of African politicians did not oppose Tshombe's presence at the Council meeting. Taking into account that he was previously excluded from the 1964 Cairo Summit, his attendance of the Council session "marked

273. J. Woronoff, op.cit., pp.366-367.

the first major diplomatic victory for Tshombe in Africa."²⁷⁴ It furthermore indicated that the Council members were prepared to accept the Central Government as the legal government of the Congo. They avoided openly condemning Tshombe, and did not even directly challenge the Central Government's right to seek foreign assistance in its internal strife.²⁷⁵ The "rebels" who received help from a number of African countries nevertheless did not manage to "be accorded some kind of recognized status".²⁷⁶ This, however, would have been required in order to put intervention on their behalf on a legal basis by granting the "rebels" the status of belligerents.²⁷⁷ The Nigerian spokesman at the Council meeting emphasized this "conservative" stand: "To treat with any organization other than the proper government of a country is to interfere in the internal affairs of that country. . . .We all have our own internal problems and we all would not like external interference."²⁷⁸

The problem of evaluating the situation in the Congo and the role of the OAU becomes evident if one looks at the resolution adopted at the end of the Addis Ababa Council and the subsequent moves taken by the ad hoc Commission to help solve the crisis. An analysis reveals the ambiguity which

274. I. Wallerstein, Africa, The Politics of Unity, op.cit., p.87.

275. Y. Tandon, op.cit., p.1158.

276. Ibid., p.1174.

277. Ibid., p.1174.

278. Reprinted in: Catherine Hoskyns, Case Studies in African Diplomacy: I, "The Organization of African Unity and the Congo Crisis 1964-65", Dar Es Salaam, Nairobi, Addis Ababa, 1969, p.16.

persisted in the OAU's dealings with the Congo and which its members were reluctant and unable to resolve. Anyway, a clarification of this ambiguity could only have been achieved at the cost of a split in the OAU.

While point 4 of the resolution explicitly "appeals to all the political leaders of the Democratic Republic of the Congo to seek, by all appropriate means, to restore and consolidate national reconciliation"²⁷⁹ thus implicitly putting the "rebels" on the same level with the Central Government, the terms of reference describing the task of the ad hoc Commission were much more limited. The Commission set up in Addis Ababa, consisting of Cameroun, Ethiopia, Ghana, Guinea, Nigeria, Somalia, Tunisia, U.A.R. and Upper Volta under the chairmanship of Kenya's Jomo Kenyatta, was asked "to help and encourage the efforts of the Government of the Democratic Republic of the Congo in the restoration of national reconciliation" and "to seek by all possible means to bring about normal relations between the Democratic Republic of the Congo and its neighbours...."²⁸⁰ This paragraph of the resolution thus did not mention the different "factions" fighting in the Congo. The Council did not charge its Commission with a task of mediation between the opposing groups in the civil-war-stricken country. "Eventually the members would have to choose between the letter and the spirit of the resolution, between aid to the Congolese regime and conciliation of that regime with its enemies."²⁸¹

279. OAU Document, ECM/Res.5 (III), reprinted in: C. Hoskyns, Case Studies in African Diplomacy: I, op.cit., pp.19-20.

280. Ibid., p.20.

281. J. Woronoff, op.cit., p.371.

The apparent ambiguous attitude prevailing in the OAU was not only a result of the splits in this body but also a reflection of the fact that the existing divisions in the ranks of the Congolese "rebels" led to a decreasing impact of these groups on the OAU members. In a comment in Courrier Africain it was alleged "that the division in the rebel leadership made it difficult to see them as a viable alternative."²⁸²

An analysis of the Commission's attempts to carry out its assignment bears out Tandon's contention that the Congo problem was "really in a twilight zone" for the OAU: "it was neither a formally determined civil war - in which both parties enjoyed equal rights - nor a situation in which the OAU could accept the full implications of the rights of the Congolese government as the executive arm of a sovereign state."²⁸³

Initially the Commission tried, however, to find a common ground between all parties inside and outside the Congo involved in the conflict. It invited the "rebel" leaders to submit their allegations. But Tshombe refused to meet the "rebel" spokesmen. The Commission also failed to reconcile the Congo Government with its neighbours.²⁸⁴

The Commission soon realized that any conciliatory efforts would be futile as long as the fighting continued. However, the only way to bring the hostilities to an end was

282. Excerpts of the comment reprinted in: C. Hoskyns, Case Studies in African Diplomacy: I, op.cit., p.21. President Kasavubu had made it clear in a message sent to the Council meeting that the Commission should "on no account have jurisdiction to help to mediate between the Congolese parties" see Keesing's Contemporary Archives, vol.XIV, 1963-64, p.20425.

283. Y. Tandon, op.cit., p.1176.

284. J. Woronoff, op.cit., pp.371-372.

to stop outside intervention. "Only then would either of the two parties be convinced that victory was impossible and that they had to negotiate."²⁸⁵ But in this respect the Commission unfortunately indulged in detrimental partiality by which it was not only losing credibility with the Tshombe Government but also provoking bitter disputes within the Commission itself. Instead of sending delegations to all states involved in the Congo they only sent a mission to the United States.²⁸⁶ This was not only a biased approach but also doomed to fail. Unless alternative means could be provided to help the Central Government to enforce its authority over the whole Congolese territory, Tshombe had to rely on the aid from the Americans. Assessing this move by the Commission Tandon points out "that a good political case, (namely to stop outside intervention) supported by a considerable majority of the OAU members, had been carried through to a very poor diplomatic payoff".²⁸⁷

After the Stanleyville incident the OAU's powerlessness to act was exacerbated by a feeling of utter frustration. The Commission, i.e. its chairman Kenyatta, had tried to intervene in order to secure the release of the hostages and promote a settlement between the "rebels" and the United States but it dismally failed. "Stanleyville" revealed that Africa was too weak to prevent intervention by former colonial powers and

285. C. Hoskyns, "Pan-Africanism and Integration", op.cit., p.382.

286. Ibid., p.382. The fact that the mission was not granted a meeting with President Johnson but was only received by the Secretary of State, Dean Rusk, was seen by the mission "as a serious affront to the OAU". Y. Tandon, op.cit., p.1159.

287. Y. Tandon, op.cit., p.1159.

their allies in the affairs of the African continent. Although the majority of African states condemned the action in an outcry of protest there were some African states prepared to justify the Western action. Notably Nigeria contended that the intervention was legal since the Americans and Belgians were authorized to act by the sovereign Central Government. Jaja Wachuku, the Nigerian Foreign Minister, used the Security Council to accuse the African countries of interfering into the internal affairs of a sovereign independent country by supplying arms to the "rebels".²⁸⁸ Clearly, there were African countries who valued the adherence to conservative principles of international law and relations higher than any kind of "moral indignation". In the case of Nigeria, her government was perhaps prone to interpret the Congo situation in terms of her own country's problems, e.g. internal confrontation and instability. However, such states as Kenya and Ethiopia, generally labelled as "moderates", were amongst the most outspoken critics of the Stanleyville action. They "were particularly shocked at the American lack of faith in the OAU".²⁸⁹ That countries like Ghana, Guinea, Algeria and the U.A.R. strongly attacked the "neo-colonial action" could have come as no surprise knowing their leaning towards the cause of the "rebels".

The African reaction to "Stanleyville" revealed more than anything else the splits in the ranks of the African states as far as their attitudes towards the Congo problem went. The OAU even failed to be "an effective forum of

288. Keesing's Contemporary Archives, vol.XV, 1965-66, p.20563. Sierra Leone, Togo and the Malagasy Republic shared Nigeria's attitude.

289. Y. Tandon, op.cit., p.1164.

290. Ibid., p.1164.

protest against external intervention"²⁹⁰ quite apart from its inability to act as a peace-maker. Even if all those involved in the Congo conflict internally and externally would have complied with OAU mediation - a highly improbable assumption - it would still be inconceivable that the OAU and especially its ad hoc Commission could have overcome its inherent shortcomings. The Commission was supposed to be a "neutral" body, by containing states who unequivocally backed the "rebels" and also some who supported the Central Government, it was not looked at as an impartial body by either side. Only if African states could have agreed to a common approach in dealing with the crisis, at the same time strictly refraining from interfering individually, could they have hoped to score some success. Since this vital prerequisite was missing, neither the OAU's appeals for a cease-fire nor its attempts at reconciliation were met with success. The final solution to the crisis came with the military victory for the Central authorities.²⁹¹

In this bleak history of the OAU's Congo experience there was, however, one fact which had not only repercussions for the situation in the former Belgian colony but which had likewise important consequences for the OAU's future as a 'peace-maker' in inter-African crises. I am referring to the attitude assumed by the United Nations. The UN seemed to have learned a lesson from its predicament in the first Congo crisis. It was more than reluctant to become actively involved again. Although the Congo situation was discussed

291. J. Woronoff, op.cit., p.439.

in its bodies the request by the African foreign ministers to condemn foreign intervention in the Congo resulted only in "a muffled echo in the Security Council" which "merely deplored the 'recent events' ... and requested all states 'to refrain or desist from intervening in the domestic affairs of the Congo'".²⁹² The UN recognized the OAU as the appropriate body to deal with the Congo. The Security Council resolution emphasized the Council's conviction "that the Organization of African Unity should be able...to help find a peaceful solution to all the problems and disputes affecting peace and security in the continent of Africa."²⁹³

Was there a lesson to be learned for the OAU from its experience in the Congo which might help it to deal with other comparable conflicts? It is essential to assess realistically the most important impediments for a successful handling of this crisis. The first factor was the interference by outside powers right from the very beginning of the conflict. And secondly the problems were exacerbated because the conflict had an "ideological tinge". Both factors were interrelated and helped to make the issue even more complicated. The Congo became a cold war issue. Foreign intervention was based on ideological preferences. However, the real spur for the big powers was the chance to strengthen their footholds in one of the potentially most important countries of Black Africa. The OAU had no levers to prevent non-African powers from pursuing such a policy. Nevertheless the African states could at least have tried to

292. Ibid., p.474.

293. Ibid., p.475.

counterbalance such a policy, hoping to eliminate some of its dangers for the continent by adhering themselves to a policy of non-intervention. Unfortunately this was not done. On the contrary Africa became heavily involved on both sides. "Since Africa in general was also polarized, some states backing the 'legitimate' government and some the 'nationalists', it was in no position to give a lesson to outside powers or discourage their interference."²⁹⁴ As long as there are basic ideological questions involved in a conflict and as long as some of the basic premisses which are meant to guide inter-African relations are bones of contention, the chances for successful peace-making will be almost non-existent. Consensus has to be found as to how to approach and assess any given strife. Without such a consensus the best thing the OAU can hope for is to get away with a policy of inactivity; the worst thing will be a return to partial groupings and the demise of the universal African organization. The consensus is essential and the main prerequisite which could make the OAU a credible instrument for mediation. It could give the OAU's actions some kind of political and moral weight.

The decision whether and how to make the OAU intervene in a crisis depends, however, very much on the international connotations and non-African interference. As the Congo conflict has demonstrated it is more likely that the African states split along cold war lines if the superpowers are divided; one group aiding the Central government and the

294. Ibid., p.469.

other bloc coming to the support of the "rebels". In the case of Nigeria the big powers were not so divided. Thus in its assessment of the crisis the OAU member states were not primarily concerned about the cold war aspect of the conflict but were guided by African principles, i.e. the adherence to the status quo. However, for the country and the people involved in an internal war both types of intervention can be equally damaging and lead to uncontrollable escalation. It is likely to lessen the readiness for compromise of both parties engaged in the struggle about the political future of a state. This lack of compromise makes the task of the OAU a hopelessly difficult one. In Nigeria as well as in the Congo it was unable to find an "African solution". What made the international aspect of the Nigerian war interesting beyond this particular conflict was that Africa was confronted with a new phenomenon. East and West took a concerted action, Britain and the Soviet Union both backed the same side. The crisis did not develop into a cold war issue. This certainly reduced the danger of an international confrontation. But it aggravated the situation in Nigeria-Biafra and it protracted the war. The combined one-sided interference of the big powers "led to rigidity and refusal to compromise... and for the losing side the conviction of being defeated unfairly."²⁹⁵ "Rivalry between the supporting powers led to a gradual increase in the means of destruction. The decisive difference was that rather than balancing the forces, the combined effort gave a

295. Ibid., p.503.

tremendous advantage to one (the Federal) side. More than ever, it was not the parties nor the broader African community so much as the intervening powers that determined the outcome."²⁹⁶ Only if the big powers had stopped supplies completely thus making a military solution impossible would the OAU have been faced with the real task of trying to find a peaceful negotiated settlement.

296. Ibid., p.501.

CHAPTER V

CONCLUSION

The case studies have shown the limitations for a generalized assessment of the OAU's failures and successes in handling African conflicts. In each case of dispute the Organization and the African leaders were confronted with a specific history and set of problems which influenced the OAU's approach to the dispute and the part it aimed to play in its solution. However, comparative analysis helps to work out certain categories of problems common to different kinds of conflicts with which the African politicians have to come to grips if they intend to develop the OAU into an efficient instrument in inter-state relations. Thus, this conclusion aims at pinpointing some of the problems. It cannot provide a comprehensive theory of African conflict resolution.

The performance of the OAU must first of all be looked at in relation to the nature of the international African political system. The OAU serves as the institutionalized framework in which the African states attempt to pursue the development of their relations with each other. Some of the specific characteristics of these relations can only be perceived with reference to pan-African ideas. Pan-Africanism, however diffuse a conglomeration of ideas and ideals it might have been all through its history, has nevertheless been a rallying point for the African political leaders and it still serves as a reference point in inter-African affairs. It has left its mark on all of them,

regardless of whether they became outspoken Pan-Africanists who centered their political creed around these ideas or whether they only paid lip-service to it. Pan-Africanism provided the impetus which made some African statesmen work ardently for a system able to put African international relations on an African basis which was to improve the capacity of its members to cope with internal and external challenges. The drive was strong enough to draw those leaders less enthusiastic about African unity into the process of striving for an all-African organization. The pan-African background with the notion of brotherhood and solidarity shared by all African leaders together with their awareness that they encounter similar problems within their states and in relation to the developed world made it possible to institutionalize these feelings as early as 1963.¹ "With the formation of the OAU, there finally existed a continental organization which translated institutionally what African brotherhood amounted to at its greatest. It was a prescriptive unity, not a unity based on the long experience of continental collaboration."²

Although Pan-Africanism was strongest at the emotional level it undoubtedly spurred the African leaders into action and still permeates the African system. However, Thompson

1. "Unlike the emerging countries on other continents and even the older nations, the newly formed states of Africa were able to overcome their differences sufficiently to found organization after organization until a satisfactory solution was reached." J. Woronoff, op.cit., p.621

2. W. Scott Thompson and R. Bissell, "Legitimacy and Authority...", op.cit., p.19.

and Bissell's contention that the OAU was the institutionalization of African brotherhood is not really borne out in a critical analysis of the OAU as could be seen in the second chapter of this thesis. When the OAU and its Charter were finally agreed upon after a long bargaining process between the 'radical' and 'moderate' African politicians it was evident that the OAU only reaffirmed some of the historical goals of Pan-Africanism, namely those which the African leaders could adhere to without curtailing their countries' sovereignty and independent existence. Their first consideration was to set up an organization capable of regulating the intercourse between sovereign states. They were not interested in merging into a greater unit their (at least legally) independent states which represented the basis of their power and influence. Basing the OAU on principles which safeguarded their position and the territorial status quo they left no doubt that they were not interested in an organization with supranational functions, at least not for the time being. "Decidedly, despite the contrary pressure of Pan-Africanism, the state as the African political unit seems here to stay."³ In whatever field the OAU will become active, the peaceful settlement of conflicts included, the overriding principle guiding its elaborations is the sovereignty of the African state. Following as a direct corollary the Charter stipulates that the African states pledge themselves to refrain from interference into the internal affairs of a member country. With this principle the Charter contained a stumbling-block for the OAU's tackling of internal conflicts.

To recapitulate, the notion of pan-African brotherhood

and the much more important emphasis on the sovereign existence of the individual African state are the two opposing poles of the international African system. This illuminates the dilemma which confronts the actors within the system. A political action undertaken in the name of pan-African solidarity always faces the challenge of being rebuked as an infringement upon the sovereignty of a state. Any analysis of the role of the OAU in African conflicts bears out this dilemma. It is one of the components of the African system. According to Zartman, another characteristic of the African system is its autonomy. He states that the "African foreign policies relations between African states are primarily governed by intra-African stimuli".⁴ In this respect the formation of the OAU was the outcome of African events more than of other factors.

However, autonomy does not imply that the system is independent. This is a point that has to be stressed. The dependent relationship with the overall international system has considerable consequences for the political leeway of the African inter-state system. This relationship is primarily the result of Africa's economic predicament and the subsequent dependence on the developed world. The underdeveloped states of Africa are too powerless to be able to fight efficiently against the interference of non-African powers in their affairs. This often leads to an

3. I. William Zartman, "Africa as a Subordinate State System in International Relations", in: Marion E. Doro and Newell M. Stultz, (ed.), Governing in Black Africa, Perspectives on New States, Englewood Cliffs, N.J., 1970, p.337.

4. Ibid., p.327.

inability to control the development of events in their own continent. Since they are too weak to take steps against the involvement which is in many cases responsible for a deplorable increase of destructiveness of a conflict, e.g. the Nigerian civil war, they rely on the willingness of the cold war antagonists to remain aloof from African conflicts. The option to refrain from intervention is not only and above all influenced by the character of the conflict which has erupted in Africa but is foremost determined by the general political 'climate' prevailing among the big power blocs. In times of general detente, as well as in times of increased struggle among the great powers to secure spheres of influence in other regions of the world, Africa will no doubt stand a greater chance of being left alone. Africa's future also hinges on the role the continent as a whole or certain of its regions will be given in the longterm strategic and ideological concepts of the great powers.

It was indicated in the case studies to which degree the big powers abstained from involvement, and what sort of repercussions this had in any particular conflict. Without wishing to overemphasize this aspect, i.e. the international connotations, of conflicts in Africa, they are nevertheless related to the system of relationships currently prevailing among states and blocs of the international system. The more the global as well as the African international systems are stabilized, the greater the chances that disputes can be solved without recourse to interference and violent means. The foregoing remarks are by no means exhaustive, however,

they constitute part of the wider framework in which the OAU as a peace-maker has to operate.

Looking at the OAU's record of performance in African conflicts three basic questions can be asked in order to assess the Organization's usefulness:

- 1) Did the OAU prevent the outbreak of open conflicts?
- 2) Was it able to limit the geographical and political extension of a conflict once it had come into the open?
- 3) Was there any dispute for which it was able to find a solution which was acceptable to all parties involved?

In other words, did a distinctive pattern emerge from the conflicts dealt with in this thesis about the way the OAU handles disputes?

The OAU has not managed to prevent the outbreak of conflicts. It is not a powerful supranational body ready to take up a threatened dispute between some of its members, or within a member country, before it leads to the outbreak of hostilities. It never considered a conflict without being asked to do so by at least one of the antagonists. However, it is conceivable that problems between member states were ironed out in informal talks for which the OAU provided a forum. In the absence of empirical material this can only be an assumption. The OAU has definitely increased the chances for discussion amongst the African politicians. The general inefficiency in conflict prevention can only be partly pinned on the deficiencies in the OAU's structure or on the lack of experience of continental collaboration.

There is great conflict potential in Africa, to a considerable extent as the result of her colonial history.

The border conflicts bore evidence that some African countries are not prepared to accept the colonial legacy, thus challenging one of the principles upon which African foreign relations are based. The domestic instability with which many states have to cope is another cause for conflicts. It pushes some governments to seek an outlet to their internal problems. They look for a scapegoat, stirring up troubles with other states in an effort to divert the country's attention from internal grievances towards external conflicts. One has of course to remember that a clear-cut division line can not be drawn between internal and external disputes.

Domestic strife in one of their member countries also invites OAU states to become mixed up in each other's domestic political struggles. This does not only more often than not exacerbate the intensity of the internal disputes but also encourages the breaking of one of the rules which originally was set up by consensus as a guide to policy-making in the international African system, i.e. the non-intervention into domestic affairs. This demonstrates that there is a wide gap between the "rules" on paper and the concrete political actions which serve the end of curbing instability. Disregarding the "rules" might itself increase the turmoil in the African international system. "The conflict between the radical, intervention school and the moderate, sovereignty school in the second Congo case was a basic conflict over rules to govern relations in the system..."⁵ The catalogue of reasons responsible for the

5. Ibid., p.336.

OAU's failure as an instrument of conflict prevention is of course a longer one than indicated in the previous paragraph. African politicians seem to be aware of that fact and this was one of the reasons for setting up a machinery which could help tackle the problems. Unfortunately, the OAU shares the record of unsuccessful conflict prevention with other, older international organizations. The problems international organizations with no real supranational powers are confronted with often exceed their capabilities.

However, as far as the limitation of open conflicts is concerned the OAU was able to score some success. It could only do so where ideological differences were of minor importance to the conflict. Where this was not the case, as in the second Congo crisis, the OAU could not meet one of the vital prerequisites which are necessary to limit the involvement of other African and non-African states: in the Congo the dispute surpassed right from the beginning the bilateral character of confrontation.

The other case studies gave evidence that the African states refrained from interfering directly. That did not hinder them from expressing their sympathy for either side more or less openly. Generally speaking they showed "less reticence in interfering in domestic conflicts which constitute a challenge to the political legitimacy of incumbent regimes".⁶ The Nigerian civil war showed that even of those governments which openly revealed their sympathies,

6. Robert O. Matthews, "Interstate Conflicts in Africa: A Review", in: International Organization, vol. 24, no. 2, Spring 1970, p.346.

an overwhelming majority stopped short of becoming actively involved. This was a self-imposed restriction motivated more by the realistic assessment of their own military and political powerlessness, as well as by a lack of interest, than it was a result of OAU intervention and pressure. The African politicians shared a genuine awareness that involvement in a dispute bears the risk of stirring up troubles in their own countries.

With regard to the OAU's achievements of finding a solution to any open conflict, any conclusive analysis has to differentiate not only between different types of conflicts, but also between the various phases in the process of conflict settlement. The first concern in this process is to bring the hostilities to a standstill and to get the antagonists to the conference table, while the second assignment is to provide assistance in finding a longterm agreement which would tackle the roots of the problem.

In the light of the case studies it may well be contended that the OAU did not yet prove capable of playing a useful role in the second stage of the conflict settlement process, regardless of the type of conflict. What is probably even more discouraging is that there was also a decrease in the efforts made in this phase of dispute settlement. While the Organization appointed a commission to seek a permanent settlement of the territorial question poisoning the relations between Algeria and Morocco, no organ to study the problems of the Horn was established in the aftermath of the Ethiopia-Somalia-Kenya crisis. In the Nigerian case there was never any question of drawing up alternatives to a return to the status quo. The Consultative Commission never

got much further than offering its support and assistance to the Lagos Government. After all a longterm solution other than going back to the status quo implies that both sides in a conflict believed that "a compromise were not too much against their interests".⁷ A compromise, however, was neither acceptable for Ethiopia and Kenya nor for the Federal Government of Nigeria. All three were supported in their attitude by the vast majority of African leaders who loathed any attempt to alter the territorial map of the African continent.

The efforts of the OAU concerning the first phase provide a less unequivocal record. In both territorial disputes it stepped in fairly quickly and managed to stop the fighting, bringing the parties to the negotiation table. The Nigerian civil war was already well under way until the OAU finally considered the crisis. It never came anywhere near being able to impose a cease-fire and no lasting positive results came of the talks it succeeded in arranging between the warring sides.

It would of course be wrong to attribute such successes as there were to the OAU alone. Positive results in the boundary disputes have been achieved due to the efforts of individual African statesmen rather than to the workings of the OAU bodies. However, the OAU's existence helped create the right atmosphere in which individual leaders could become active on its behalf. Their prestige was undoubtedly increased and their tasks were eased when the OAU endorsed their mediation efforts.

7. J. Woronoff, op.cit., p.437.

It is of some consequence that at the time of the outbreak of territorial conflicts the OAU was still a very young institution. Its machinery was not yet fully established. It could not base its actions on any precedents. It had not sorted out the problems of how to operate efficiently. Not being a supranational body the OAU felt reluctant to take up the discussion and the intervention into a crisis without the consent of both antagonists. To reach such mutual agreement, however, might take up some time, as the Algerian-Moroccan case and to a lesser extent the Somali dispute revealed. Thus, ad hoc mediation of individual political leaders offers the advantage of an early intervention before the crisis threatens to expand. On the whole no fixed pattern of conflict resolution has been worked out. It seems that the OAU members rely on ad hoc procedures and on the skill and willingness of individual African statesmen. The informal, ad hoc approach was appropriate for states anxious to safeguard their sovereignty. The OAU was not able to establish itself as an ultimate authority in African conflicts.

The 1972 skirmishes between Uganda and Tanzania gave evidence that this phenomenon did not change over the years. A peace agreement between the two countries was signed on October 5, 1972, in Mogadishu. It was Somalia's foreign minister who had acted as a go-between and mediator, albeit under OAU auspices.⁸ The OAU Secretary-General got involved also but only by encompassing Somalia's plan.⁹

8. The Scotsman, 6 October, 1972, p.5.

9. The Times, 28 September 1972.

But neither was the Council of Ministers convened for an extraordinary meeting nor was the Commission of Mediation, Conciliation and Arbitration used. The Uganda-Tanzania conflict was yet another example to show that many disputes in Africa are embittered by feelings of personal animosity between leaders. This might account for the fact that attempts at mediation by an individual politician who has the confidence of both sides is more welcome than a collective one by a body which is bound to include leaders who are not acceptable to one or the other of the parties. It seems that in the process of individual mediation it is easier to keep the negotiations down to the direct causes of the conflict. Discussions in the OAU bodies, on the other hand, are much more likely to enter into the broader ramifications of a dispute, thus making it more difficult to patch up a crisis for the time being.

It is fair to say that the OAU has exerted a limited influence in conflict settlement. The obvious conclusion is that "1) the organization has not been a total failure but 2) neither has it been an unqualified success."¹⁰ The OAU acquired importance as an official forum, as a meeting place for Africa's leaders. "Normatively, it has constituted a collective conscience that no African government can entirely afford to ignore."¹¹ It provided Africa's political leaders with the chance of finding "African solutions" to African problems. If they had to give in to

10. P. Saenz, op.cit., p.217.

11. R.O. Matthews, op.cit., p.352.

African pressure, they could always claim to have done so in a true pan-African spirit, in the interest of African unity which covered up a potential loss of face.¹²

One of the basic reasons for the difficulties which the OAU faced in its role in African conflicts was that it could not bridge the gap between formation and enforcement of those norms which were supposed to guide the international political process in the continent. Its comparatively successful attempts at formulating guide lines were not matched with an equally efficient performance to make its members abide by the rules. In the OAU Charter the African states had agreed upon a number of ground rules. This was an important achievement even though these rules included serious impediments to their power to act as a collective body. And furthermore, the strict adherence to one principle consequently hindered the fulfilment of another. The Charter's prohibition against interference in the domestic affairs of states was meant to bar OAU involvement in intrastate conflicts. In practice, however, the OAU departed frequently from the stipulations of the Charter.

The statesmen were aware that the Charter alone would not suffice as a code of norms for their political intercourse. In order to clarify their stand on one of the purposes for which the OAU was set up, i.e. the defence of the territorial integrity of its members, they adopted a resolution to emphasize their adherence to the principle of uti possidetis. The OAU was playing a useful role in setting out and expressing

12. J. Woronoff, op.cit., p.437.

the African consensus, and to find an agreed position on an important issue. This aim is very much in keeping with what the intergovernmental type of organization can perform.

When it came to acting in accordance with its rules the OAU has proved to be hampered by its weaknesses. It lacks the power to enforce the norms and decisions upon those member states which are involved in a conflict and it is likewise unable to press the other states to become active in their collective role as a peace-maker.¹³ But before the blame is squarely put upon the intransigence of the African leaders all following their own little goals, it has to be kept in mind that the OAU's powerlessness is predominantly a result of the shortcomings of the international African system. Changes in this realm can only be the outcome of a long historical process. Does this imply that the performance of the OAU in African disputes cannot be improved in the short run by means of altering its institutional set-up as well as by revising some of the principles and purposes which constitute the framework in which it operates? Would it help to get away from the prevailing pattern of informal and ad hoc approaches to conflict resolution and go on to institutionalized, regular procedures?

As long as the basic premise of the OAU - its character as an organization of sovereign states - will be kept, and there is no evidence that this will not be the case

13. M. Manigat, *op.cit.*, p.400: "Elle (L'OUA) ne jouit pas en effet d'un pouvoir supranational lui permettant de s'imposer aux Etats; son intervention est donc subordonnée, non seulement des parties en cause, mais aussi à celui de ses propres membres."

in the foreseeable future, it would be a mistake to assume that a perfect constitutional and institutional framework would lead to more successful conflict resolution. That is not to say that amendments to the Charter which would bring it more in line with political realities on the African continent should not be considered. It would be worthwhile to reflect upon article III,2 of the Charter stipulating the "non-interference". An attempt should be made to draw a clearer line as to when a conflict ceases to be internal and instead takes on pan-African connotations. African states should be prepared to ask for support from their fellow Africans rather than to have recourse to non-African help in cases where their domestic strife exceeds the capacities of their country. It is also conceivable that the OAU Charter should include some stipulations about the means of pressure which the Organization would exert on those member states which failed to comply with its rulings.

Another problem concerns the role of the OAU Secretary-General. One wonders whether he should not be entrusted with a slightly more political task. The African states should be more confident that it is possible to find an African politician prepared to perform such an assignment with the necessary impartiality. In political reality as far as conflict mediation was concerned Diallo Telli embarked upon some kind of 'personal diplomacy', especially during the Nigerian civil war. It would be helpful to update the Charter in order to take account of the fact that the Secretary-General has gradually increased his importance beyond his role of being nothing else but the top administrator of the OAU.¹⁴ The efficiency of the OAU as a troubleshooter could

14. J. Woronoff, op.cit., p.190.

be enhanced if the Secretary-General assumed ex officio the role of a go-between.

The OAU must be flexible enough to adjust its functions to new demands for action. If the African governments gain confidence in their Organization because it appears to be capable of coping with problems, they might be more ready to provide it with appropriate funds and manpower. They have to be convinced that controversial issues, no matter how divisive they might be, are not going to split the OAU. Unfortunately, for too many years the African leaders were too busy to avoid a collapse of their Organization; organizational survival was the main concern and little time was left to strengthen the organizational effectiveness. It seems only logical that as long as the OAU is preoccupied with contriving its own survival little energy will be left for its role as a peace-maker.

Nevertheless, the history of the OAU gives grounds for some encouragement, if one approaches the problem with realism. The OAU has held together for a decade. If its mere existence could not prevent non-African states, and African for that matter, from fishing in the troubled waters of African conflicts, it made it at least possible for non-African powers and notably the UN to abstain from interference, if they so wished. The world organization was no longer the only body to sort out troubles between the African states. On quite a few occasions the OAU's activities were encouraged by the UN, which expressed through the voice of its Secretary-General the hope that Africa would be able to tackle her problems in her own organizational framework.

Predictions into the future about the role of the OAU

in African conflicts are difficult to make. Generally speaking the OAU will be what the members want it to be. As long as it continues to exist it retains a chance of improving its peace-making capacities. It seems that for the time being its survival can be taken for granted, although its existence is fragile. Pan-African solidarity, so vital in the fight to free those areas of the continent still under white domination, will prevail. However, although this solidarity is strong on an emotional level it is very difficult to achieve vis-à-vis concrete political situations. Unfortunately this situation is detrimental to any increase of the OAU's authority. This authority is also weakened by the frequent absence of leaders from summit meetings. The absence is often motivated by a reluctance of those statesmen who pursue a policy which is running against the majority view to be exposed to open criticism from the other member countries. Undoubtedly, avoiding open clashes at the meetings helps guarantee the OAU's survival, but unfortunately at the expense of enhancing the Organization's authority.

The case studies helped to illuminate one contention very clearly: the absence of solidarity in political action combined with a lack of effective power¹⁵ is, apart from the international connotations, the main stumbling-block for a successful performance of the OAU in African conflicts. "La collaboration interétatique est la source de leur énergie; le nationalisme et l'affirmation individuelle des intérêts sont des freins à (son) efficacité."¹⁶

15. See Y. Tandon, op.cit., p.1173.

16. M. Manigat, op.cit., p.401.

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